

*Blackmore's edition of the*

THE  
LIFE  
OF  
THOMAS EGERTON,  
LORD CHANCELLOR OF ENGLAND.

(a) Camden's Britannia in Shropshire. Collins's Peerage, under Bridgewater. (b) Dugdale's Baron. tom. III. p. 414.

\* \* \* [EGERTON (THOMAS)]\*, "who," in the words of Camden, "for his singular wisdom and integrity, was, by Queen Elizabeth, made Lord Keeper, and afterwards, by King James, advanced to the highest dignity of the long-robe, being made Lord Chancellor, and created Baron of Ellesmere (a), and then Viscount Brackley, was the son of Sir Richard Egerton of Ridley in Cheshire, descended from the ancient family of Egerton in that county (b) [A]."<sup>1</sup> He was born in Cheshire about

\* Through the whole of this article the words of the historians, and authorities from which it is collected are intentionally retained as much as possible, for the purpose of heightening its authenticity.

(1) Dugdale. (8) Erdeswicke's Staffordshire, p. 114.

(9) Ex itemmate penes Tho. Egerton de Culton. Arm.

(10) Lee's Chronicle of England, printed at the end of King's Vale Royal of England, p. 51.

(11) Leicester's Antiquities of Cheshire, p. 178.

(12) Camden's Britannia, Edit. 1722, Vol. I. Collins 667.

(13) Ibid. in Cheshire, Collins, ibid. General

(1) Camden's Britannia in Cheshire. Collins's Peerage, under Bridgewater.

(2) Domesday book.

(3) Spelman's Glossary, p. 176.

(4) Doomsday book.

(5) Collins's Peerage, under Bridgewater, Cholmondeley, English Baronage, under Egerton.

(6) Record. *Inquis. Ep. apul.* p. 103, 104. M. S. penes *Archon. Geo. Com. Chol-* mondeley.

[A] From the ancient family of Egerton in that county.] Which family, according to (1) Camden, is descended from Robert Fitzhugh, Baron of Malpas, in the reign of William the Conqueror (2). The most ancient record in the kingdom is that survey made by William the Conqueror which is kept in the Chapter House of Westminster-Abbey, (now called the Record Office,) and, is entitled, "Liber Judicarius," or "Domesday Book." It contains an account of the lands, lordships, &c. within the several Counties of England, except those of Cumberland, Westmoreland, Northumberland, and Durham; and was begun in (3) the fourteenth year of the reign of William the Conqueror, as the Red Book in the Exchequer manifests, but was not finished till the twentieth of the same King, as the book itself declares.

By this survey it appears, that Robert, son of Hugh, Baron of Malpas, held in Cheshire, and other parts, the manors of Bedesfield, Burwardstone, Hurdiberry, Depenbache, (now called Malpas,) Tillestone, Cristlestone, Calmundale, Edghe, Hanton, Lawechdone or Laborchedone, Doch' gton, Coteleah, Broffe, Oretone, Cunditone, Schochliche, Tufigham, Bicheley, Buertone, Burwardeshly, Rauichell, Creuhalle, Tidulstone or Tidnystone, Buistane, Boleberrie, Tevertone, Sparislowe, Penretane, Fentone, Sudtone, Buteloge, and Cochneche or Croverche or Coen-<sup>ge</sup> (4).

But, the said Robert dying (5) without male issue, the Barony of Malpas, with the several Lordships, Manors, and Estates, devolved on his only daughter and heir, Loxitia, married to Richard de Belward (6), and thereby came into this famous and knightly

family, as Camden styles it, of which was John Le Belward de Malpas in the reign of William Rufus. His son and heir, named William, by Sir (7) William Dugdale, but Richard by Mr. Erdeswicke (8), according to other good authorities, was married to Beatrix, daughter of Hugh Keverlock, Earl of Chester, and sister of Ranulph, Earl of Chester. He was, in right of his mother, Baron of Malpas; though it is said by some, that he had only half the Barony; but, it is agreed by Sir William Dugdale (9), and other of our antiquaries, that he left issue three sons, 1. David, 2. Robert, the direct ancestor of the several families of Cholmondeley, and 3. Richard.

David, eldest son of William, styled Dan David de Malpas, and sometimes Le Clerc, married Margaret, daughter and heir of Ralph ap Eynion, (a person of great note, and large possessions in Wales and Cheshire,) by Beatrix, daughter of Ranulph (10), the second of that name, Earl of Chester, whereby he became possessed of the entire Barony of Malpas, one half by descent, and the other in right of his wife. He was also Justice of Chester (11), and Sheriff of the County of Chester in 36 Hen. 3. and held three knights fees in the same reign.

His sons were: 1. William, Baron of Malpas, who left no legitimate issue. 2. Philip, High Sheriff of Cheshire, temp. Edward I. who possessing the Manor of Egerton, in the County of Chester, took, according to the custom of that age, the surname of Egerton from the place of his residence (12).

(13) From him, in lineal descent, was Sir John Egerton, of Egerton, Knight, who, fighting valiantly for the House of Lancaster, under the Lord Audley,

A

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about the year 1540. In 1556 he was admitted a Commoner of Brazen Nose College, in Oxford, where he continued about three years; and, having laid a good foundation of classical and logical learning, he removed thence to Lincoln's Inn, and applied himself with such success to the study of the law, that he soon became a noted counsellor (c) [B]. The superior abilities he displayed in the line of his profession, and his distinguished eminence at the bar, did not escape the notice of Queen Elizabeth, whose discerning eye singled out a Drake, a Raleigh, a Sidney, and a Vane, and the ablest men in every department of Government, to be the instruments of her happy and auspicious reign. On the 28th of June, 1581, she appointed him her Solicitor General (d); and, the year after, he was chosen Lent Reader of the Society of Lincoln's Inn, an office which was conferred on none but persons distinguished by superior learning and abilities. He was made also one of the governors of that society, and continued so for twelve years successively (e). His conduct and proficiency in the law, promoted him, on the second of June, 1594, to the office of Attorney General (f), and he was knighted soon after. On the 10th of April, 1593, he was appointed to the Mastership of the Rolls (g), when he shewed his great friendship to Mr. Francis Bacon, afterwards Lord Verulam, by assisting him with his own observations in regard to the office of Solicitor General, then likely to become vacant by the advancement of Mr. Edward Coke to that of Attorney General (h); which was acknowledged, by Sir Robert Cecil, as a favour done personally to himself [C]. Upon the death of Sir John Puckering, he had the great seal of England delivered to him at Greenwich on the 6th of May, 1596 (i), with the title of Lord Keeper [D], by the special choice and favour of

(c) Wood's Ath.  
Oxon. Vol. I.  
edit. 1721,  
col. 417.

(d) Pat. 23.  
Eliz. p. 1.

(e) Dugdale's  
Baron. ibid.  
Wood's Ath.  
Oxon. ibid.

(f) Pat. 24.  
Eliz. p. 7.

(g) Pat. 36.  
Eliz. p. 5.

(h) Birch's Me-  
m. Vol. I.  
p. 165.

(i) Collins, ibid.  
Baker, 408.

1592.  
1594.

General for Hen. VI. was slain at the battle of Blore Heath, in Staffordshire, Sept. 23, 1459. He was succeeded by Philip, his eldest son, who had issue John Egerton, of Egerton, Esq. and Sir Ralph Egerton, of Ridley, in Cheshire, Knight; which Sir Ralph was Escheator of Cheshire (14), Ranger of De la mere Forest, and one of the Gentlemen of the Bedchamber to King Henry VIII. who (15) knighted him for his valour and conduct at the sieges of Tournay and Tournay, and the battle of Spurs, 5 Hen. VIII. Also, in consideration of his good services, he was appointed Standard-Bearer of (16) England for life. Dying about the year 1528, he left issue by Margaret his wife, daughter and sole heir of Ralph Bassett, Esq. of Blore, co. Stafford, Richard, his son and heir, who was of age in the year 1531 (17), and afterwards knighted; father of the Lord Chancellor Egerton, whom we are treating of in this article.

[B] *Became a noted counsellor.* There is a tradition that one of the first public occasions which created an opinion of Lord Chancellor Egerton's shrewdness and ability in his profession was shortly after he removed to Lincoln's Inn. He happened to be in Court when a cause was trying, in which it appeared, that three graziers had vested a joint deposit of a sum of money in the custody of a woman, who lived in Smithfield, upon condition, that she was to account for it upon their coming to demand it together. One of the graziers, by persuading her that he was commissioned to receive the money by his two partners, who were bargaining for some oxen, and only waiting for the money to conclude the purchase, prevailed upon her to entrust him with it; and he immediately absconded. The two other partners began a suit against the woman to recover their money. The cause was brought on, and nothing now appeared to remain, but that a verdict should be given in favour of the plaintiffs: when Mr. Egerton stepped forward, and begged leave to speak as "Amicus Curiae."—Upon obtaining permission, he took care to establish the conditions upon which the defendant was entrusted with the money. These being readily allowed to be such as above stated; "Then," said he, "the defendant is ready to comply with the agreement. The plaintiffs only may deservedly be charged with attempting its violation. Two of them have brought a suit against this woman to oblige her to pay them a sum of money, which, by the agreement, she was to pay to those two, and to the remaining partner jointly, coming together to demand it—where is he? why does not he appear? why do not the plaintiffs bring their partner along with them? When they do this, and fulfill the agreement on their part, she is ready to come up to the full extent of it on hers: till then, I apprehend that she is by law to remain in quiet

"possession." This turned the cause, and a verdict was found for the defendant.

[C] *Acknowledged, by Sir Robert Cecil, as a favour done personally to himself.*

"Sir,

"I have understood by my cousin Bacon what a friendly and kind offer you have made him, the better to arm him with your observations (for the exercise of solicitorship) which otherwise may be got with time. For, the greatest sufficiency of wit and learning may yet be to seek of things falling into practice without some light given, which, as he doth exceedingly please himself to receive of a man of your gravity; so do I thank you for it, as much as if it had been done to myself. And this I dare assure you, that I have no kinsman living (my brother excepted) whom I hold so dear. Neither do I think, that you, or any other, can confer any good turn upon any gentleman (though I say it to you in private) likelier for his own worth to deserve it. The place by the suddenness of the remove was procrastinated; but your help in the mean time (in this course offered him) will serve to so good a purpose, as I am not sorry he hath this vacation of some few days to inform himself at better leisure of those things, which at the very first he should have use of. Sir, I would write more, if I spake not in a manner for myself: for so, I assure you, in measure of love and affection, he standeth unto me. But, seeing I speak to a wise man, to whom a word is more than a sentence, I will leave all other circumstances, and will study to make you know how great an obligation any man's kindness to him doth throw on me; and so I bid you farewell.

"From the Strand, this 27th of March, 1594.

"Your assured loving friend,

"RO. CECIL."

The particular friendship and kindness shewn by the Chancellor Egerton to Bacon on all occasions were repeatedly acknowledged by his brother Anthony Bacon, by many acts and expressions of gratitude, as appears from many of his letters (18).

[D] *With the title of Lord Keeper.* Mr. Reynolds informs the Earl of Essex, by letter, that "The Master of the Rolls had changed his style, and was made Lord Keeper, only, by her Majesty's gracious favour, and by her own choice, without any competitor or mediator. I think no man ever came to this dignity with more applause than this worthy gentleman (19)." Mr. Anthony Bacon likewise, by letter, informs Dr. Hawkins, at Venice, "That the late Lord Keeper, Sir John Puckering, was dead of an apoplexy very suddenly, into whose place, with

(18) Birch's  
Memoirs, Vol.  
II. p. 23, 76, 77.  
20, 146. Anth.  
Bacon's MS.  
Vol. XI. fol.  
105. Vol. XII.  
p. 12, 14, 110.

(19) Birch's  
Memoirs, Vol. I.  
p. 479.

of the Queen, without any mediator or competitor, and even against the interest of the Prime Minister and his son; and, at the same time, he was sworn of her Majesty's Privy Council: of whose integrity and abilities, according to Camden (k), all men were full of expectation and belief, which he completely answered. He was permitted to hold the Mastership of the Rolls till May 18, 1603, when James I. conferred it on Edward Bruce, afterwards Baron of Kinloss (l).

The integrity and abilities of the Lord Keeper conciliated the favour and confidence of his royal mistress, insomuch that she employed him in her deepest councils, and commissioned him on the most weighty occasions and emergencies of state (m). In 1598, he was in commission for treating with the Dutch, and, jointly with the Lord Buckhurst, Cecil, and others, signed a new treaty with their Embassadors in London. Anxious as the States were to prosecute the war with Spain, and being in some measure deserted by Henry the Fourth, King of France, they were glad to preserve Queen Elizabeth's alliance by submitting to any terms which she pleased to require of them. The debt which they owed her was now settled at eight hundred thousand pounds. Of this sum they agreed to pay, during the war, thirty thousand pounds a year; and these payments were to continue till four hundred thousand pounds of the debt were extinguished. They engaged, also, during the time that England should continue the war with Spain, to pay the garrisons of the cautionary towns. They stipulated, that if Spain should invade England, or the Isle of Wight, or Jersey, or Scilly, they should assist her with a body of five thousand foot and five hundred horse; and that, in case she undertook any naval armament against Spain, they should join an equal number of ships to hers. By this treaty Queen Elizabeth was eased of an annual charge of an hundred and twenty thousand pounds (n). In 1600, the Lord Keeper Egerton was again in commission, with the Lord Treasurer Buckhurst and the Earl of Essex, for negotiating affairs with the Senate of Denmark (o).

The conduct of the Lord Keeper, in regard to that great and extraordinary, but unfortunate, man, the Earl of Essex, whose name will for ever distinguish yet disgrace the annals of Elizabeth, portrays his character in the most just and amiable features, both as a wise and loyal subject, and as a sincere and honest friend. These illustrious men filled two of the highest and most important offices of state at the same time, and joined in that harmony which should unite all ministers who have at heart the public interests. "They love and join very honourably together," as expressed by Anthony Bacon in a letter (p) to Dr. Hawkins, "out of which correspondence and noble conjunction betwixt *Mars* and *Pallas*, betwixt justice and valour, I mean betwixt so admirable a Nobleman as the Earl, and so worthy a Justice as the Lord Keeper, I doubt not but very famous effects will daily spring to her Majesty's honour, the good of the state, and the comfort of both their Lordships particular true friends." — Essex is a character which will command the pity and admiration of every age. Possessed of noble and manly virtues, but an unhappy victim to a temper too high and irritable, which exposed him to the arts of false friends and insidious enemies; jealous but friendly; honest but ambitious; sanguine but sincere; intrepid as a soldier; importunate as a courtier; resentful as a man: he did not court, but commanded, the favour of the great Elizabeth—an advantage he either knew not how to use, or was not sufficiently careful to improve. The violence and impetuosity of his temper, unguarded by discretion, laid him open to the frequent and ungenerous attacks of many, who, in the hope of enjoying his honours and emoluments, were assiduous to embrace every opportunity to deprive him of the royal favour, and to effect his ruin. The behaviour of the Lord Keeper was very different on every occasion that occurred, breathing the spirit of the most sincere and distinguished friendship. Sensible of his great merit as a soldier, and of his constitutional infirmity as a man, he ever earnestly studied to soften the violence and asperity of his disposition, to sooth him to moderation, and to reclaim him to the dictates of reason and duty. An instance of his friendly interference, in 1598, is given by Mr. Camden [E]; by which the high and resentful spirit of Essex,

(k) Annals of Queen Eliz. ad an. 1596. Birch's Memoirs, Vol. I. p. 479.

(l) Pat. i. Jac. p. 2. Philpot's Cat. of Chancellors, p. 77. Newcourt's Report. Eccles. &c. Vol. 1. p. 341.

(m) Collins, ibid.

(n) Rymer's Poet. tom. XVI. p. 247.—Camden's Ann. Q. Eliz. 1598. Hume's Hist. of England.

(o) Collins, ibid.

(p) Birch's Memoirs, Vol. II. p. 146.

sent but the Lord Admiral, Sir Robert Cecil, Secretary, and Windbank, Clerk of the Signet. For, whereas, she thought Sir William Knolles, uncle to Essex, the fittest man of any to be sent into Ireland, and Essex obstinately insisted that Sir George Carew was a fitter person than he, on purpose to rid the Court of him; yet could not by all his persuasions draw her to it, quite forgetting himself and neglecting his duty, he uncivilly turned his back upon her, and gave her a scornful look. She not enduring such behaviour, gave him a box on the ear, and bade him 'be gone and be hanged.' He presently laid his hand on his sword; and the Lord Admiral stepping between, he swore an oath, that 'he neither could nor would put up so great an affront and indignity, neither would he

an extraordinary speed, her Majesty hath, *ex proprio motu et speciali gratia*, advanced Sir Thomas Egerton, with a general applause, both of court, city, and country, for the reputation he hath of integrity, law, knowledge, and courage. It was his good hap to come to the place freely, without competitor or mediator; yea, against the desire and endeavour, as it is thought, of the omnipotent couple—by whom Mr. Bacon undoubtedly meant the Lord Treasurer Burleigh and his son Sir Robert Cecil (20).

[E] An instance of his friendly interference, in 1598, is given by Mr. Camden.] Concerning this business of the peace, and the chusing some meet and able person to look after the affairs of Ireland, there grew a smart debate between the Queen and Essex, none else being pre-

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sex, which disdained to brook an insult from a Queen, was at length softened into a due submission to his royal benefactress; in consequence of which he was pardoned, and

(21) See Cabala, p. 234.

(22) Ibid. 235.

(23) Camden's Ann. Eliz. 555 and 556.

(24) Birch's Memoirs, Vol. II. p. 384, 385.

' he have taken it at Henry the Eighth's hands; and in a great passion withdrew himself presently from the court. The Lord Keeper of the Seal, in a grave and sober letter (21), advised him humbly to betake himself to the Queen's mercy; alleging, ' that it was the best way to yield to her anger for the present; and to remember that of Seneca.—" If the law punish one that is guilty, he must submit to justice; if one that is innocent, he must submit to fortune." If he had justly offended his prince, he could not make her satisfaction: if she had offended him, prudence, duty, yea, religion itself, did require that he should submit himself to the Queen, to whom he was so much indebted, forasmuch as there is no equality between a prince and a subject.' He answered the Lord-Keeper stomachfully and passionately by a long letter (22), appealing from the Queen to Almighty God, using therein these and the like expressions: ' No storm is more violent and outrageous than the anger of a passionate prince. The Queen's heart is hardened, what I owe as a subject I know, and what as an Earl and Marshal of England I know; but, how to serve as a drudge and slave I know not. If I should acknowledge myself guilty, I should do wrong to the truth, and to God the author of truth. My whole body is wounded by that one blow. Having received this indignity, it was impety in me to serve longer. Cannot princes err? Can they not wrong their subjects? Is any earthly power infinite? Solomon saith, a fool laugheth when he is stricken. They which get advantage by princes' errors and misdoings, let them take injuries at princes' hands. They who believe not the infinite omnipotency of Almighty God, may acknowledge an infinite power in Royal Majesty. I that have been torn and rent with so many wrongs, have long enough endured the bitterness of injuries at my very bowels.' Yet, within a little while after, he became more submissive, obtained her pardon, and was received again by her into favour, who always thought it less misbecoming to offend and anger a man than to hate him. Yet, hereupon his friends began shrewdly to fear his ruin, who had observed, that fortune is seldom reconciled to her foster-children, whom she hath once forsaken; and Princes more seldom to those whom they have before offended (23).

(24) My very good Lord,

' It is often seen, that he, that is a slander-by, feeth more than he that playeth the game; and, for the most part, any man in his own cause standeth in his own light, and feeth not so clearly as he should. Your Lordship hath dealt in other men's causes, and in great and weighty affairs, with great wisdom and judgment. Now your own is in hand, you are not to contemn and refuse the advice of any that love you, how simple soever. In this order I rank myself, among others, that love you, none more simple, and none that loves you with more true and honest affection; which shall plead my excuse, if you shall either mistake or misconstrue my words or meaning: yet in your lordship's honourable wisdom I neither doubt nor suspect the one nor the other. I will not presume to advise you, but shoot my bolt as near the mark as I can, and tell you what I think. The beginning and long continuance of this to unseasonable discontent you have seen and proved, by which you may aim at the end. If you hold still your course, which hitherto you find worse and worse, (and the longer you tread this path, the farther you are still out of the way,) there is little hope or likelihood that the end will be better than the beginning. You are not so far gone, but you may well return. The return is safe, but the progress dangerous and desperate in this course you hold. If you have any enemies, you do that for them, which they could never do for themselves; whilst you leave your friends to open shame and contempt, forsake yourself, overthrow your fortunes, and ruinate your honour and reputation; giving that comfort to our foreign foes, as greater they

cannot have. For what can be more welcome and pleasing news to them than to hear, that her Majesty and the realm are maimed of so worthy a member, who hath so often and so valiantly quailed and daunted them? You forsake your country, when it hath most need of your help and counsel: and, lastly, you fail in your indissoluble duty, which you owe to your most gracious sovereign; a duty not imposed upon you by nature and policy only, but by the religious and sacred bond, in which the divine majesty of God hath, by the rules of Christianity, obliged and bound you.

' For the four first, your constant resolution may perhaps move you to esteem them as light; but, being well weighed, they are not lightly to be regarded: and, for the two last, it may be your private conscience may strive to content yourself; but it is enough. These duties stand not alone in contemplation and inward meditation; their effects are external, and cannot be performed but by external actions; and where that faileth, the substance itself faileth.

' Now this being your present state and condition, what is the best to be done herein? and what is the best remedy for the same? My good Lord, I want wisdom and lack judgment to advise you; but I will never want an honest and true heart to will and wish you well; nor, being warranted by a good conscience, forbear to speak what I think. I have begun plainly. I hope your Lordship will not be offended, if I proceed still after the same fashion. *Bene cedit, qui tempori cedit.* And SENECA saith, *Lex si nocentem punit, cedendum est justitiae; si innocentem, cedendum est fortunae.* The best remedy is not to contend and strive, but humbly to submit. Have you given cause, and yet take scandal to yourself? Why, then all you can do is too little to make satisfaction? Is cause of scandal given to you? Yet policy, duty, and religion, enforce you to sue, yield, and submit, to your sovereign, between whom and you there can be no proportion of duty. And God himself requireth it as a principal bond of service to himself.—When it is evident, that great good may ensue of it to your friends, your country, and sovereign, and extreme harm by the contrary, there can be no dishonour or hurt to yield; but in not doing it is dishonour and impety. The difficulty, my good Lord, is to conquer yourself, which is the height of all true valour and fortitude, whereunto all your honourable actions have tended. Do it in this, and God will be pleased; her Majesty will be satisfied, your country will take good, and your friends comfort by it: yourself (I mention you last, for I know of all these you esteem yourself least) shall receive honour, and your enemies (if you have any) shall be disappointed of their bitter sweet hope. Thus have I uttered what I think, simply and truly, and leave you to determine. If I have erred, it is *error amoris*, and not *amor erroris*. Contrue, I beseech you, and accept it, as I mean it, not as an advice, but as an opinion to be allowed or cancelled at your pleasure. If I might conveniently have conferred with you myself in person, I would not then have troubled you with so many idle blots. Yet whatsoever you shall judge of this mine opinion, be you well assured, my desire is to further all good means that may tend to your good. And so, wishing you all honourable happiness, I rest,

' Your Lordship's most ready, although,  
' Of many, most unable and  
' faithful friend,

' THO. EGERTON, C. S.'

The Earl's answer, dated the 18th of October, was in these terms (25):

(25) Ib. p. 386,  
387, 388.

' My very good Lord,  
' Although there is not that man this day living,  
' whom I would sooner make a judge of any question,  
' that did concern me, than yourself; yet must you  
' give me leave to tell you, that in such a case I must  
' appeal

and again received into her favour. From this unfortunate affair, however, his friends took an omen of his future ruin, under the conviction that princes, once offended, are seldom thoroughly reconciled, and that fortune seldom takes by the hand him whom she has once forsaken.

On his hasty and unexpected return from the Irish expedition, with a mind sore from ill success, and exasperated by the suspicions and reprehensions of the Queen, this great General was summoned before the Privy Council, suspended from his offices, and committed to the custody of the Lord Keeper, to prevent his return to his associates, and the prosecution of those factious and ambitious designs which it was too obvious he had entertained. (9) Under the weight of this disgrace, and in such a situation, the Lord Keeper rendered him all those kind and friendly offices that humanity, the most sensible, and politeness the most delicate, could suggest: and, in all his future conduct in regard to this great unfortunate man, he tempered justice with compassion; preserving a proper medium between the duty of the magistrate, and the generosity of the friend [F]. By the most popular and well-timed measures, he appeased the minds of a

(7) Camden's  
Ann. Eliz. 1599.

prejudiced

' appeal from all earthly judges; and, if in any, then surely in this, where the highest judge on earth hath imposed upon me, without trial or hearing, the most heavy judgment that ever hath been known: but since I must either answer your Lordship's arguments, or forsake my just defence, I will force mine aching head to do me some service for a small hour or two, although against my will. I must first then deny my discontent, which was forced, to be any humorous discontentment, and that it was unseasonable, or of too long continuance. Your Lordship should rather condole with me than expostulate about the same: natural seasons are expected here below; but violent and unseasonable storms come from above. There is no tempest equal to the passionate indignation of a Prince; nor yet at any time is it so unreasonable as when it lighteth upon those who might expect an harvest of their careful and painful labours. He, that is once wounded, must feel smart, while his hurt be cured, or that the part be sensible; but no cure I expect, her Majesty's heart being obdurate against me; and to be without sense, I cannot, being made of flesh and blood. But, say you, I may aim at the end. I do more than aim, for I see an end of all my good fortunes, and have set an end to my desires. In this course do I any thing for my enemies? When I was in the court, I found them absolute: and, therefore, I had rather they should triumph alone than they should have me attendant on their chariots. Do I leave my friends? When I was a courtier, I could yield them no fruits of my love unto them. Now I am become an hermit, they shall bear no envy for their love towards me. Do I forsake myself, because I do enjoy myself? or do I overthrow my fortune, for that I build not a fortune of paper-walls, which every puff of wind bloweth down? Do I ruinate mine honour, because I leave following the pursuit, or wearing the false badge or mark of the shadow of honour? Do I give courage and comfort to the foreign foe, because I reserve myself to encounter with him? or because I keep my heart from baseness, although I cannot keep my fortune from declining? No, my good Lord, I give every of these considerations its due right; and, the more I weigh them, the more I find myself justified from offending in any of them. As to the two last objections, that I forsake my country when it hath most need of me, and fail in that indissoluble duty which I owe unto my sovereign; I answer, that, if my country had at this time any need of my public service, her Majesty, that governs the same, would not have driven me into a private kind of life. I am tied unto my country by two bonds: in public peace, to discharge carefully, faithfully, and industriously, the trust which is committed unto me; and the other private, to sacrifice for it my life and carcase, which hath been nourished in it. Of the first I am freed, being dismissed, discharged, and disabled, by her Majesty. Of the other, nothing can free me but death; and, therefore, no occasion of my performance shall offer itself, but I will meet it half-way. The indissoluble duty, which I owe to her Majesty, is only the duty of allegiance, which I never will nor never can fail in. The duty of at-

tendance is no indissoluble duty. I owe her Majesty the duty of an Earl and of Lord Marshal of England. I have been content to do her Majesty the service of a clerk; but can never serve her as a villain or slave. But yet, you say, I must give way unto the time. So I do; for, now I see the storm come, I put myself into the harbour. SENECA faith, "we must give place unto fortune." I know, that fortune is both blind and strong, and, therefore, I go as far out of her way as I can. You say, the remedy, is not to strive. I neither strive nor seek for remedy. But, say you, I must yield and submit. I can neither yield myself to be guilty, or this imputation laid upon me to be just. I owe so much to the Author of all truth, as I can never yield falsehood to be truth, or truth to be falsehood. Have I given cause, ask you, and take scandal, when I have done? No; I give no cause to take so much as Fimbria's complaint against me, for I did *volunt* *selum corpore recipere*. I patiently bear all, and sensibly feel all that I then received, when this scandal was given me. Nay, more, when the vilest of all indignities are done unto me, doth religion enforce me to sue? or doth God require it? Is it impiety not to do it? What, cannot princes err? Cannot subjects receive wrong? Is an earthly power or authority infinite? Pardon me, pardon me, my good Lord, I can never subscribe to these principles. Let Solomon's fool laugh when he is stricken; let those, that mean to make their profit of princes, shew to have no sense of princes' injuries; let them acknowledge an infinite absoluteness on earth, that do not believe in an absolute infiniteness in heaven. As for me, I have received wrong, and feel it. My cause is good, I know it, and, whatsoever come, all the powers on earth can never shew more strength and constancy in oppressing than I can shew in suffering whatsoever can or shall be imposed upon me. Your Lordship in the beginning maketh yourself a looker on, and me a player of my own game; so you can see more than I can, yet must you give me leave to tell you, in the end of my anwer, that since you do but see, and I suffer, I must of necessity feel more than you do. I must crave your Lordship's patience to give him, that hath a crabbed fortune, licence to use a crabbed style; and yet, whatsoever my style is, there is no heart more humble to his superiors, nor any more affected towards your Lordship, than that of

"Your honour's poor friend, 'ESSEX.'

[F] And the generosity of the friend.]

' Sir Thomas Egerton, Chancellor [then Lord Keeper], to the Earl of Essex (26).

(26) Cabala,  
p. 235.

' SIR,

' How things proceed here, touching yourself, you shall partly understand by these enclosed. Her Majesty is gracious towards you, and you want not friends to remember and commend your former services: of these particulars you shall know more when we meet. In the mean time, by way of caution, take this from me: there are sharp eyes

B

upon

prejudiced people, who then became tumultuous from the injuries and indignities which they supposed were done to the person of their favourite General ; asserting the Queen's authority, and justifying the conduct of the public counsels, without heightening or exaggerating the misconduct of the unfortunate Earl (r). Notwithstanding all the humane attentions of the Lord Keeper, by which he endeavoured to soften the pungency of Essex's remorse, through the whole of a six months' confinement in his house, the sufferings and convictions of a proud and stubborn, but active, mind, were redoubled by that reflection which arose from his personal inactivity, and, together with the effects of his confinement, threw him into a fit of illness, from which he with difficulty recovered ; when, through the interest and intercession of his guardian, he was permitted to see the Queen, and was relieved by some reviving hopes of her returning favour (s).

(r) *Ibid.*

(s) *Sidney State-papers, Vol. II. p. 199.*

In this school of sorrow and sickness, and by the admonitions of his two friendly tutors, the Lord Keeper Egerton and Lord Henry Howard, his lofty spirit stooped to the discipline of repentance, and found its relief in religious meditation, changing its habits and dispositions, for a time at least, and investing itself in the genial virtues of piety, patience, modesty, and humility, so as to give his friends a presage of his reformation. This penitential conduct reconciled the Queen, who was graciously pleased to release him, and to declare, that, in what she had done, she consulted not his ruin, but amendment (t). Still the minds of the people remained prejudiced and dissatisfied, under a persuasion of his innocence and ill treatment ; and, to remove the grounds of these suspicions and complaints from herself and council, she resolved that his cause should have an open hearing, not in the Star-Chamber, but in the Lord Keeper Egerton's house, before the Council, four Earls, two Barons, and four Judges, in order that a censure might be formally passed upon him, but without charge of perfidy. He was there formally accused, and heard the speeches against him for eleven hours with much patience (u). He opened his reply by offering thanks to God for his mercy, and to the Queen for her clemency, towards him, and proceeded in a strain of great loyalty and humility : but, when he began to excuse and justify his conduct from the charges alleged against him, the Lord Keeper Egerton interrupted him in the most friendly manner ; advising him to proceed as he began, and not to claim the merit of obedience by words which his actions had denied him, as it was in vain to cover direct disobedience by a pretended intention to obey ; and, injoining him to throw himself upon the mercy and goodness of the Queen, and not, by an attempt to alleviate his offences, to extenuate her clemency (w). Essex then knelt down, and the Lord Keeper, in form, pronounced his sentence.—That he should be removed from his place of Counsellor, suspended from his offices of Earl Marshal and Master of the Ordnance, and detained in custody during the Queen's pleasure. The sentence was approved by the voices of all the rest (x) ; but the Queen commanded that it should not remain upon record, and that he should not be suspended from the Mastership of the Horse (y), which place she had directed should not be mentioned in the sentence.

(u) See the proceedings upon the commission of Sir Fr. Bacon. *Sidney State-papers, Vol. II. p. 199.*  
(v) *Olborne's Memoirs. De Thou, Hist. sui temp.*

(w) See Birch's *Memoirs, Vol. II. p. 452, 453.*

(x) *Ibid.*

(y) *Camden's Ann. Eliz. 1600.*

(z) *Ibid. 1601.*

Under these auspicious symptoms of reformation he was released, and suffered to retire into the country, accompanied with the sanguine hopes of all his friends ; but that ambition, which they thought had been extinguished, was smothered only for a time by sickness and confinement. By a keen sense of disappointment and disgrace, it soon re-kindled, and, blown up by the officious breath of seditious spirits, burst out into a blaze, which, in the event, consumed himself. Through the whole of this frantic and tragical drama, the benevolence of the Lord Keeper did not cease to repeat its friendly offices, to soothe the mind of his great and unfortunate friend, exasperated to madness, to dispose him to duty and moderation, and to dissuade him from pursuing his dangerous and seditious projects. He told him, as he had often done before, that he would become, in the hands of his greatest enemies, the instrument of his own destruction ; and, by kind persuasion, exhorted him to return to his duty and allegiance before it was absolutely too late ; urging the cause of his friends, his country, and his sovereign, and appealing to his honour, conscience, and religion (z).

When, with his numerous confederates assembled in Essex-house, in the Strand, he was in a state of actual rebellion, the Queen sent the Lord Keeper, with the Earl of Worcester, Sir William Jones, Comptroller of the Household (the Earl's uncle), and Lord Chief Justice Popham, to know the cause of their tumultuous meeting. The gates being kept shut, they were, after some stay, let in by the wicket ; but all their servants were kept out except the Purse-bearer with the seal. The court yard was full

upon you : your actions, public and private, are observed : It behoveth you, therefore, to carry yourself with all integrity and sincerity both of hands and heart, lest you overthrow your own fortunes, and discredit your friends that are tender and careful of your reputation and well-doing. So in haste I com-

mit you to God, with my hearty commendations, and rest  
Your assured loving friend,  
THO. EGERTON, C. S.  
At the Court at Richmond,  
October 21, 1599.

of

of company, and the Earl of Essex in the midst, to whom the Lord Keeper Egerton, addressing himself, said, that he was sent, with the other gentlemen, by the Queen, to know the cause of their concourse; and, if they had suffered any grievances, he promised them a fair and equitable redress.

To this the Earl of Essex answered in a louder tone than ordinary—“ There is a plot laid against my life, some are set to stab me in my bed; we are perfidiously dealt withal; letters are counterfeited under my name and hand. We are met here together to defend ourselves and lives, seeing neither my patience nor misery can assuage the malice of my adversaries, unless they may also suck my blood.” The words of the Lord Keeper were thereupon repeated by Popham. That, “ if any such matter were attempted or intended, it were fit for him to declare it, and to be assured of their faithful relation, and he should not fail of her Majesty’s princely indifferency and justice.” The Earl of Southampton complained of the assault made upon him by the Lord Grey de Wilton, as he rode along the street; to which Popham replied, “ that justice had been done, and the party was in prison.” The Lord Keeper then pressed the Earl of Essex to impart his grievances, if not openly, yet privately, and promised satisfaction. Upon which the multitude interrupted him, crying, “ Away, away, my Lord! they abuse you, they destroy you, they undo you. You lose time.” The Lord Keeper, putting on his hat, commanded them all on their allegiance to lay down their weapons and depart. Whereupon the Earl of Essex, and all the rest, put on their caps, and going into his house, the Lords followed him, as to a private conference, fearing the multitude, who cried out, “ Kill them! Stop them up—keep them for pledges—cast the great seal out of the window!” When they were come into the inner apartments, Essex ordered the doors to be bolted upon them, and left them, bidding them “ have patience whilst he should go and take order with the Lord Mayor and Sheriffs for the City, and that he would be with them again within an hour.” And so he left them in the custody of Sir John Davis, Francis Tresham, and Owen Salisbury, who guarded them with muskets, primed and cocked. Having tried the disposition of the citizens, and found that none would join him, that the Lord Treasurer, with Dethick, King at Arms, having entered the City, had proclaimed him and his accomplices traitors, and that the Lord Admiral was advancing with a strong party against him, he resolved to return to his house to sue for the Queen’s favour, through the mediation of the Lord Keeper, and his fellow-prisoners. But, when Levison, who commanded a party on Ludgate-Hill, had refused Sir Ferdinando Gorges (upon Lord Burleigh’s prevailing upon the Herald to proclaim Essex traitor) the liberty of a free passage for Essex; Gorges, consulting his own interest, persuaded the Earl to send him to his house to discharge the prisoners, and to intercede with them to procure him the Queen’s pardon, whilst yet no blood was spilt, and the minds of all hung in anxious suspense. Essex consented to the release of Popham only, who, refusing to accept of it unless the Lord Keeper had his also, Gorges discharged them all, and attended them by water to the Court. From Queen’s-Hithe, Essex at last arrived at his house, when, angry that the Lord Keeper and the Council were discharged, and, abandoning all hopes of support from the City, he proceeded to fortify his house. How that great and unhappy nobleman surrendered and suffered death, is foreign to the present article (\*). After his sentence, however, he desired to speak with some of the Privy Council, when the Lord Keeper, the Lord Treasurer, the Lord Admiral, and Cecyl, were sent to him. After asking pardon of the Lord Keeper for detaining him in custody, and of Cecyl for accusing him in the affair of the Infanta, he informed them that the Queen could never be in safety so long as he lived (a). If this great and extraordinary character, distinguished by eminent virtues and egregious faults, found in the person of the Lord Keeper Egerton, a sincere and faithful friend, though no abettor, he was surrounded by a host of artful and malignant enemies, many of whom assumed the garb of friendship, actuated in their enmity by the most self-interested and ungenerous views, whose memory is transmitted to posterity as the just object of contempt, whilst his will commanded a tribute of pity and compassion from every age.

After the execution of Essex, with Cuffe, Merrick, Danvers, and Blunt, principal confederates, the Lord Keeper was in a special commission (b), with others of the first dignity, to summon all their accomplices, in order to treat and compound with them for the redemption of their estates; and, on security being given for the payment of the fines assedged, their pardon and redemption were obtained. The next year, 1602, he was again in commission with others of the Privy Council, to reprieve all such persons convicted of felony as they should think convenient, and to send them, for a certain time, to some of the Queen’s galleys (c). And again, in the 45th year of Elizabeth, for putting the laws in execution against the Jesuits and Seminary Priests, ordained according to the rites of the Church of Rome (d). In March, 1603, after the Queen, oppressed with the infirmities of age, had retired from Westminster to Richmond, to indulge, in that retreat, the exercise of devotion before her death, the

\*) State Trials.

(a) Camden’s Ann. Eliz. 1601.  
See also Stowe’s Annals, edit.  
1631, p. 789.  
See also the Declaration of the Lord Keeper, &c. in Bacon’s Works, Vol. IV.

p. 345.  
The Life and Death of James the Sixth, King of Scotland, by William Sanderson, Esq. London, 1656, p. 239, 246.  
Arth. Collins, ubi supra.

(b) Rymer’s Fad. Tom. XVI.  
p. 421.

(c) Ibid. p. 446.

(d) Ibid. p. 489.

Lord

Lord Keeper and the Lord Admiral, accompanied by the Secretary, were deputed by the rest of the Privy Council to wait upon her there, in order to remind her Majesty of her intentions indiscriminately expressed, in regard to her successor to the crown, and to know her royal will and pleasure upon that point. To this request she replied, in broken and interrupted accents, “that her throne was a throne of kings, and that she had said that she would not have any mean person succeed her. And the Secretary asking her what she meant by these words; “I will,” said she, “that a king succeed me: and who should that be, but my nearest kinsman the King of Scots (e)?”

(e) Camden's Ann. Eliz. 1603.

At the death of his royal benefactress, “who, in wisdom and felicity of government, “surpassed all princes since Augustus, and the glory of whose name,” says Camden, “no oblivion shall bury (f),” the care and administration of the kingdom, with the preservation of the public peace and security, devolved upon the Lord Keeper and the other Ministers of State, till the arrival of King James, her successor, from Scotland, who, by his sign manual, dated at Holy-rood House, 5th of April, 1603, signified to the Privy Council, that it was his royal pleasure that Sir Thomas Egerton should exercise the office of Lord Keeper till farther orders. On the 3d of May he waited upon the King at Broxbourne in Hertfordshire, and resigned the Great Seal to his Majesty, who delivered it back again, confirming his office, and commanding him to use it as he had done before (g). On the 19th of July, King James caused the Great Seal to be broken, and put a new one into his hands, accompanied with a paper of his own writing, by which he created him “Baron of Ellesmere for his good and faithful services, not only in the administration of justice, but also in Council, both to the late Queen and himself;” the patent (h) for which title he caused to be dispatched the twenty-first of the same month. On the twenty-fourth, the day before his royal coronation, he constituted him Lord High Chancellor of England (i), which high and important office of state he supported for more than twelve years, with a dignity that became an able Minister, and with the learning and impartiality that distinguished an equitable Judge. On the 25th and 26th of November (k), Henry Lord Cobham, and Thomas Lord Grey de Wilton, were tried by their Peers, the Lord Chancellor sitting as Lord High Steward. In 1604, he was, with certain other Commissioners, authorized, by act of Parliament, to bring about (l) an union betwixt England and Scotland, it being the King's desire, that, as the two crowns were united in one person, an union of the nations might be effected by naturalization. But, differences arising be-

(f) Ibid. Conclusion.

(g) Rymer's Foed. Tom. XVI. p. 495.

(h) Pat. 1 Jac. p. 14. Camden's Ann. App. Jac. 1603. Catalogue of Kings and Princes, &c. fol. London, 1622. p. 89.

(i) Rymer, ut supra.

(l) State Trials. Carte's History of England. Speed's Hist. of Great Britain, p. 1223.

(l) Carte's Hist. of Eng. 3d vol. p. 748. edit. 1752. Beaumont's Dep. Peffall. Arthur Wilson's Hist. of James I. in the Complete Hist. of Great Britain, Vol. II. p. 673. 676, &c.

tween the House of Lords and House of Commons upon this point of the naturalization of the Scotch, he was one of the Lords appointed of the Committee of Conference between the two houses. The whole of this transaction, and the causes of its failure, are stated at large in the fifth volume of the Parliamentary History (m). In 1605, he was appointed High Steward of the City of Oxford [G]. In 1609, he was in commission to compound with all those, who, holding lands by Knight's service, &c. were to pay the aid for making the King's son a Knight (n).

At the death of Dr. Bancroft, Archbishop of Canterbury, who was Chancellor of the University of Oxford, on the 2d of Nov. 1610, the Lord Ellesmere, Lord High Chancellor of England, was the next day unanimously elected into that honourable office [H]; and, on the 10th, installed in the Bishop of Durham's house in London (o). At this period,

[G] In 1605, he was appointed High Steward of the City of Oxford.] In 1605, the Lord Chancellor Ellesmere was appointed High Steward of the City of Oxford, and with this honourable distinction, that he should continue in that office for life; but that his successors should be elected, and continue only during the pleasure of the Corporation. This appointment was made when James I. granted his Charter of Incorporation to the City of Oxford in the third year of his reign. Here follows so much of the Charter as relates to the Lord Chancellor Ellesmere.

“Et ult. vols. ac per præsent. pro nob. hæred. & Successorib. nostris concedimus præfatis Major. “Ballyv. & Communiat. Civit. præd. unum Virum “præclarum & discretum in form. interius in his “præsentib. expressa eligend. qui erit & nominabitur “Capitalis Seneschallus Civit. præd. & assignavimus “&c. ac per præsent. pro nob. hæred. & successor. “nostris (27) assignamus prædict. & per quam fidelem “Confiliari. nostrum T. Dnum Ellesmere Dnum “Cancellari. Angl. fore & esse primum & modern. “Capital. Seneschallum Civit. præd. continuando in eod. “offic. durant. vita natural. ipsius Tho. de Ellesmere “quodque de temp. in temp. & ad omnia temp. ra “post mort. præd. T. Dni Ellesmere Major Ballyv. & “Commun. Civit. præd. pro temp. exist. vel major. “par. eorund. ut perfectur Unum Alium Virum præ-

(27) Peffall's Hist. of the City of Oxford, 4to p. 350.

“clarum & discret. de temp. in temp. in Capital. “Seneschall. Civit. præd. Eligere &c. valeant & “possint. Quodque ille qui in Capital. Seneschall. “Civit. præd. sic. ut perfetur p. it mort. T. Dni “Ellesmere electus &c. fuerit offic. illud capital “Seneschall. Civit. præd. exercere & gaudere valeat “& possit, durante bene placito Major. Ballyv. & “Commun. Civit. præd. vel maj. par. eorund. (quot. “Major. Civit. præd. pro temp. exist. unum esse “vols) ac quouique alijs alias ad offic. illud debito “m. do electus &c. fuerit.”

Lee, Portcullis Herald, in his visitation at Oxford in 1574, mentions Sir Fr. Knollys, Knt. as then High Steward of the City: But, in the Council-Book of the City, no mention is found either of Recorder, or High Steward before the Patent of King James, which appoints Lord Ellesmere High Steward primum & modern. &c. &c. (28).

[H] Was unanimously elected into that honourable office.] In 1612 (Lord Ellesmere being Chancellor of Oxford) a grand controversy was decided between the University and City, in which decision it was ordered by the King and Council (that whereas there had been some doubt whether the Mayor or Chancellor should take the first place), that the Chancellor, and in his absence the Vice-Chancellor, should for ever after take place before the Mayor of the City (29).

(m) Introd. to Bacon's Letters, p. 4. Bacon's Works, Vol. IV. p. 84. p. 210. 21. 7. p. 235. See also Biograph. Britan. Vol. I. article Bacon, Francis, p. 460. note (2).

(n) Rymer's ibid. p. 680.

(o) Wood's Fasti. Oxon. p. 807.

(28) Ibid. p. 361.

(29) Gutch's Fasti. p. 120.

that University was in a very flourishing state in point of the number of its members, which amounted to more than 2420; but many of them, and those of the senior part, were tainted with very factious and erroneous principles, both of a civil and religious nature. Convinced how destructive these ideas and principles, inculcated on the minds of the youth of the University, who were to be called forth to fill the several departments of Church and State, would be of the future health and prosperity of the constitution, he bent his earliest attention to eradicate and correct them; for, immediately after his installation, he made a spirited effort to explode those Popish and Calvinistical opinions, (which, however opposite to each other, at that time infested and disgraced that seat of learning), and to suppress all those who entertained and promoted them [I]: in which attempts he was seconded and supported by the interference of the King himself (p).

The fame of John Williams, Fellow of St. John's College, in Cambridge, as an able scholar and accomplished preacher, came to the ear of the Lord Chancellor Egerton, [K] who sent for him, and about Midsummer, 1611, made him his Chaplain (the first Chancellor since the Reformation who had a domestic Chaplain). He allowed Williams, however, to be absent the year following, that he might serve the office of Proctor in that University: in the course of which office he received and entertained the Duke of Wurtemberg, and held a very splendid commencement in 1612 (q), when the Lord Chancellor accompanied the Spanish Ambassador on a visit to Cambridge. Williams presided as Moderator over the public exercises; and the Chancellor was so pleased with the gracefulness of his presence, the ingenuity of his discourse, and the able conduct of the exercises, that, when he took leave of the University, he said publicly to Williams, that he had behaved himself so well in his treatment of the Ambassador, that he was fit to serve a King, and that he would see him as much welcomed at Court as they were in the University (r). To this fortunate occurrence, and the subsequent friendship of his accidental patron, this great Prelate and Politician was indebted for all his future success. His learning and solid judgment recommended him more and more to the discernment of the Lord Chancellor; and his assiduity and respect secured such an interest in his favour, that he enriched him by his bounty, and descended to instruct him in those parts of knowledge which qualified him for the high stations he afterwards filled (s). While he lived in the Chancellor's house, his Lordship let him into several mysteries of state; and Williams now commenced Courtier and Politician, being a man of shining parts, firm to retain, and apt to improve from, the precepts of his master (t), who, before his death, introduced him to the special notice of the King, by committing to his trust and management all messages and dispatches on important business to his Majesty; at once displaying the high opinion he entertained of his secrecy and integrity, and raising the King's estimation of one who had been intrusted by so great and prudent a man (u). The same year the Lord Chancellor was one of the Lords who signed the articles of marriage between the Princess Elizabeth, daughter of King James, and the Elector Palatine (w).

The prudence of the Lord Chancellor employed, on all occasions, the ablest servants and coadjutors, and his affection made choice of the most honourable and valuable friends. Besides the Archbishop Williams, Sir Francis Bacon Lord Verulam, was honoured by his friendship, and promoted by his favour (x). Bacon was probably first introduced to his notice and attention by his sanguine friend and patron, the Earl of Essex (y). That nobleman had warmly and repeatedly pressed the interests of Bacon at Court, particularly on the Lord Keeper Puckering, in order to obtain the office of Solicitor General; and we find Sir Thomas Egerton applying to his predecessor for the same purpose [L]. The repeated solicitations of Bacon, by himself and friends, were,

(30) Curiae  
Canc. et V.  
Oxon. fol. 69.  
b. Reg. K. 22.  
fol. 69. a.

(31) Hacket's  
Life of Wil-  
liams, fol. edit.  
1693. p. 19.

[I] Who entertained and promoted them.] In his letter to the Convocation appointing Dr. Singleton his Vice-Chancellor (30), July 3, 1611, he exhorts, requires, and charges them, "to use all good means to discover and find out all such as shall be justly suspected to be addicted or inclined to Popery or Puritanism, and not to suffer any such to lurk or hide themselves in or near this famous University."

[K] Who sent for him, and made him his Chaplain.] "He was a great patron and promoter of eminent divines, and those whom he picked out for the service of his house were of the first order: such were Dr. Richard Field, Dr. King Bishop of London, Dr. Carew Bishop of Exeter (31)."

In the law-line, Sir John Davies, as well as many other great men, experienced his friendship. "It was by the favour of Lord Ellesmere," says Wood, "that he was restored to the Temple. Certain it is, when Sir John Davies dedicated his Law-Reports to that illustrious Chancellor and worthy man, he

"acknowledged that Lord Ellesmere had been a good angel unto him; and what might carry a shew of adulation in another must needs be gratitude in him (32)." See also a subsequent note [DD].

[L] For the same purpose.] "To the Right Honourable the Lord Keeper of the Great Seal. My very good Lord.—Sir Thomas Egerton, failing of your Lordship's being newly gone, sent his letter to me to see conveyed to you, which I send inclosed; desiring your Lordship, according to your kind affection, to make the best use thereof for my furtherance. And I pray your Lordship to call to remembrance my Lord Treasurer's kind course, who affirmed directly all the rest to be unfit. And, because *vis unita fortior*, I pray your Lordship to take a time with the Queen, when my Lord Treasurer is present. Thus, in hope to-morrow will bring forth some good effect, I rest your Lordship's, in all humble duty and service,

FR. BACON (33)."

(p) Wood's  
Hist. and Antiq.  
of the Univ. of  
Oxford.

(q) Philipps's  
Life of Abp.  
Williams.

(r) Lloyd's  
Memoirs and  
Drake's Hist.  
and Antiq.  
of the City of  
York, lib. ii.  
cap. 1. fol. edit.  
1736. p. 462.

(s) Philipps's  
Life of Abp.  
Williams.

(t) Drake's  
Hist. &c. ut  
antea.

(u) Philipps,  
ibid.

(w) Rymer,  
p. 723.

(x) Introd. to  
Bacon's Letters,  
p. 10.

(y) Ibid. p. 11.

(32) Vid. Sic  
John Davies's  
Law Reports  
dedicated to  
Lord Chancel-  
lor Egerton.  
Also his Life  
prefixed to the  
Collection of  
his Historical  
Tracts.  
Vid. Not. (1)  
infra.

(33) Bacon's  
Works, Vol. IV.  
London, 1739,  
p. 721.

(2) See the Letters at the end of the fourth volume of Bacon's Works from p. 516. See also Biogr. Britan. article Bacon, Francis, p. 453.

(3) See Introd. to Bacon's Lett. London, 1702, 4 v. p. 10 & 11.

(4) Mallet's Life of Bacon, p. 50.

(5) Camdeni Ann. App. Jac. 1616.

(34) Bacon's Works, Vol. IV. p. 569.

(35) Bacon's ibid. p. 591.

(36) Bacon's ibid. p. 594.

(37) Bacon's ibid. p. 595.

however, disappointed of their hope from the Lord Keeper, Puckering (2), and from others for some years; when, though his Patron Essex had lost the power to serve him, having forfeited his interest at Court, yet his other friend was made Lord Chancellor, and was in high favour with the King, to whom his application proved more successful than all which had been made before, and which had been numerous indeed [M] (3). These two great and learned men lived some years in the habits of intimate friendship and affection, when the health of the Lord Chancellor declining some time before his death, in the year 1615, his Lordship being very ill [N], Sir Francis Bacon, then Attorney General, (whose virtues were never of such a sort as to be too (4) bashful in endeavouring to secure their reward by personal solicitations for preferment,) made an open and earnest application for the office of Chancellor, as appears from the extracts of his Letters inserted in the notes [O].

Neither the infirmities of old age, nor the active exertions of a long and laborious life, devoted to the service of their country, are always a privilege which can shelter men from unmerited persecution. On the 19th of January, 1615, the Lord Chancellor began to be sick (5), being now in his seventy-fifth year, when a professional attack from that great lawyer, the Lord Chief Justice Coke, though unable to damp the firm-

[M] *Which had been numerous indeed.* ' It may please your good Lordship.—As I conceived it to be a resolution both with his Majesty, and among your Lordships of his council, that I should be placed Sollicitor, and the Sollicitor to be removed to be the King's Serjeant, so I most thankfully acknowledge your Lordship's furtherance and forwardness therein, your Lordship being the man that first devised the mean: wherefore my humble request to your Lordship is, that you would set in with some strength to finish this your work; which I assure your Lordship I desire the rather because, being placed, I hope, for many favours, to be able at last to do you some better service. Not that I vainly think I shall be able to do any great matters, but certainly it will frame me to use a more industrious observance and application to such as I honour so much as I do your Lordship, and not, I hope without some good offices which may now and then deserve your thanks.—To conclude, as my honourable lady, your wife, was some mean to make me to change the name of another, so, if it please you to help me to change my name, I can be but more and more bounden to you (34).

SIR FRANCIS BACON to the Lord Chancellor.

[N] *His Lordship being very ill.* ' Because I know your Majesty would be glad to hear how it is with my Lord Chancellor; and that it pleased him, out of his ancient and great love for me, which many times in sickness appeareth most, to admit me to a great deal of speech with him this afternoon, which during these three days he hath scarcely done to any, I thought it would be pleasing to your Majesty to be certified how I found him (35).'

SIR FRAN. BACON to the King, 29 Jan. 1615.

' For Mr. St. John, Your Majesty knoweth the day draweth on; and my Lord Chancellor's recovery, the season and his age promising not to be too hasty, I spoke to him on Sunday, at what time I found him in bed, but his spirits strong, and not spent or wearied, and spake wholly of your busines, leading me from one matter to another, and wished, and seemed to hope, that he might attend the day for O. S. and it were (as he said) to be his last work, to conclude his services, and expres his affection towards your Majesty (36).'

SIR FRAN. BACON to the King, Jan. 31, 1615.

' My Lord Chancellor sent for me to speak with me this morning. I perceive he hath now that *signum sanitatis* as to feel better his former weakness: for, it is true I did a little mistrust that it was but a boutade of desire and good spirits when he promised himself strength for Friday. But now I find him well inclined to use, should I say your liberty, or rather your interdict, signified by Mr. Secretary from your Majesty. He also shewed me your letter. What shall I say? I do much admire your goodness for writing such a letter at such a time (37).'

SIR FRAN. BACON to the King, Feb. 7, 1615.

[O] *Letters inserted in the notes.* ' My Lord Chancellor's sicknes falleth out *duro tempore*. I have always known him a wise man, and of just elevation for monarchy; but your Majesty's service must not be mortal. And, if you love him, as your Majesty hath now of late purchased many hearts by depressing the wicked; so God doth minister unto you a counterpart to do the like by raisng the honest (38).'

SIR FRAN. BACON to the King, Feb. 19, 1615. ibid. p. 602.

' Your worthy Chancellor, I fear, goeth his last day. God hath hitherto used to weed out such servants as grew not fit for your Majesty; but now he hath gathered to himself one of the choicer plants, a true *sage* or *salvia* out of your garden: but your Majesty's service must not be mortal. Upon this heavy accident I pray your Majesty, in all humbleness and sincerity, to give me leave to use a few words: I must never forget when I moved your Majesty for the Attorney's place, that it was your own sole act, and not my Lord Somerset's, who, when he knew your Majesty had resolved, thrust himself into the busines to gain thanks; and, therefore, I have no reason to pray for saints. I shall now again make oblation to your Majesty, first of my heart, then of my service; thirdly, of my place of Attorney worth 600l. a year; and, fourthly, of my place in the Star-chamber, worth 1600l. a year; and, with the favour and countenance of a Chancellor, much more. I hope I may be acquitted of presumption if I think of it, both because my *father* had the place, and, chiefly, because the Chancellor's place, after it went to the law, was ever conferred upon some of the learned Counsel, and never upon a Judge. For, *Audley*, was raised from King's Serjeant, my *father* from Attorney of the Wards, *Bromley* from Solicitor, *Puckering* from Queen's Serjeant, *Egerton* from Master of the Rolls, having newly left the Attorney's place (39).'

(39) Bacon's He then proceeds to shew that great inconveniences would follow if the Chancellorship was given either to Lord Coke, Chief Justice of the King's-Bench, Lord Hobart, Chief Justice of the Common-Pleas, or to Dr. Abbot, Archbishop of Canterbury, &c.

SIR FRAN. BACON to the King, Feb. 12, 1615.

' My Lord Chancellor's health growing with his days, and his resignation being an uncertainty, I would be glad you went on with my first motion of swearing me Privy-Counsellor. This I desire, not so much to make myself more sure of the other, and to put it past competition, for herein I rest wholly upon the King; but, because I find hourly that I need this strength in his Majesty's service.—My Lord Chancellor told me yesterday in plain terms, that, if the King would ask his opinion touching the person that he would command to succeed him upon his death or disability, he would name me for the fittest man. You may advise, whether use may not be made of this offer (40).'

SIR FRANCIS BACON to Sir George Villiers. ibid. p. 615.

ness

ness of his spirit, (who, according to the remark of Ben Jonson, in his Discoveries, “That great and grave orator, Lord Chancellor Egerton, being always best when most provoked”), threw an additional weight of anxiety upon his mind; to remove which, the King wrote, with his own hand to him, the letter inserted in the notes [P]. The case (d) is too singular in itself, and was too important in its decision, to be passed in silence. Sir Edward Coke had heard and determined a cause at common law, but there was some collusion in the matter; for, the witness that knew, and should have related, the truth, was prevailed upon to absent himself, on condition that any one would undertake to excuse his non-appearance. A pragmatical fellow of the party undertook it: he went with the witness to a tavern, called for a gallon of sack, and bade him drink; and, leaving him in the act of drinking, went immediately into Court. This witness was called for, on whose evidence the issue of the cause depended, when the fellow answered upon oath, “that he left him in such a condition, that, if he continued in it but a quarter of an hour, he was a dead man.” This evidence of the witness’s incapacity to come lost the cause. The plaintiffs removed it into Chancery; and the defendants, having already had judgment at common law, refused to obey the orders of that Court; on which the Chancellor, for contempt of Court, committed them to prison. They preferred two indictments against his Lordship the last day of Hilary Term (e), and he was threatened with a *præmunire* in the Star-Chamber upon the Statutes, 27 Edw. III. and 4 Hen. IV. Sir Francis Bacon’s account of the effect this had upon the mind of the Chancellor, his sentiments upon the whole of this extraordinary transaction, and his opinion of the point of law (who was Attorney General at that time), will appear by the extracts from his letters inserted in the notes [Q].

(d) *Biogr. Brit.*  
Vol. III. p. 689.  
*Ibid. note (Q).*

(e) *Camden’s Ann. App. Jac.*  
1616.

The

[P] *The letter inserted in the notes.*

‘ My Lord,

‘ These shall first congratulate and thank God with you for your recovery and growing to health again; for which I protest to God I prayed every morning and eve, since you was at the worst, as often as I prayed for myself: and, next, you shall be hereby informed how sensible I am of that disgrace offered to that Court of mine, wherein you sit, especially at a time so unseasonable; it cannot but be a comfort to you to know how every man censured the partiality and barbarity of that action: and, for my part, you may assure yourself it shall only be in your default of not informing me, if I do not upon this occasion free myself from the infection of any such inconveniences hereafter; I mean, of such jarring betwixt my Courts of Justice; for, I will wholly relies upon your information and advice what course to take in the handling of this business; assuring myself, that your conscience and care for my honour and service will set me in a course for making such an example in this case as may settle good government in like cases hereafter: and so I bid you heartily farewell (41).

(41) *Annals of King James and King Charles I.*  
fol. Lond. 1681.  
p. 20.

Feb. 25, 1615.

‘ JAMES REX.’

‘ *Præmunire* preferred into the King’s Bench, but not found, is not so much as is voiced abroad; though, I must say, it was *omni tempore nimium, et hoc tempore alienum*, and therefore I beseech your Majesty not to give believing ear to reports, but to receive the truth from me that am your Attorney-General, and ought to stand indifferent for jurisdictions of all courts; which account I cannot give your Majesty now, because I was then absent, and some are now absent, which are properly and authentically to inform me touching that which passed (42).’

SIR FRAN. BACON to the King, 15 Feb. 1615.

(42) *Bacon’s ibid. p. 604.*

‘ Sir, I received this morning your two letters. In this difference between the two Courts, I marvel not, if rumor get way of true relation; but within these two days I will write to his Majesty both the narrative truly and my opinion sincerely. I purpose to speak with my Lord Chancellor this day, and so to exhibit that cordial of his Majesty’s grace, as I hope that other accident will rather rouse and raise his spirit than deject him and incline him to relapse. Meanwhile, I recommend the wit of a mean man, that said this the other day—“ Well, the next term you shall have an old man come with a besom of wormwood in his hand that will sweep away all this;” for, it is my Lord’s fashion, especially towards the summer, to carry a posy of wormwood (43).’

SIR FRANCIS BACON to Sir George Villiers, 19 Feb. 1615.

(43) *Bacon’s ibid. p. 605.*

[Q] *From his letters inserted in the notes.* ‘ It may please your excellent Majesty.—I do find, God be thanked, a sensible amendment in my Lord Chancellor. I was with him yesterday in private conference about half an hour; and this day again at such a time as he did seal, which he endured well almoft the space of an hour, though the vapour of wax be offensive to him. He is free from a fever, perfect in the powers of memory and speech, and not hollow in his voice or looks. But whoever thinketh his disease is but melancholy, he maketh no true judgment of it; for, it is plainly a formed and deep cough, with a pectoral surcharge; so that at times he doth almost *animam agere*.—I am as glad to advertise your Majesty of the amendment of your Chancellor’s person, as I am sorry to accompany it with an advertisement of the sickness of your Chancery court: though (by the grace of God) that cure will be easier than the other. It is true, I did lately write to your Majesty, that for the matter of the *habeas corpora* I did think the communion in service between by Lord Chancellor and my Lord Chief Justice, in the great business of examination, would so join them as they would not square at this time: but pardon me, if I have too reasonable thoughts. And yet that which happened the last day of the term concerning certain indictments in the nature of

‘ It may please your most excellent Majesty, I was yesterday in the afternoon with my Lord Chancellor, according to your commandment, which I received by the Master of the Horse, and find the old man well comforted, both towards God, and towards the world; and that same middle comfort, which is divine and humane, proceeding from your Majesty, being God’s lieutenant on earth, I am persuaded hath been a great cause that such a ficknes hath been portable to such an age. I did not fail in my conjecture, that this busyness of the Chancery hath stirred him; he sheweth to despise it, but he is full of it, and almost like a young duellist that findeth himself behind-hand.

‘ I will now, as your Majesty requireth, give you a true relation of that which hath passed; neither will I decline your royal commandment for delivering my opinion also, though it be a tender subject to write on; but I, that account my being but as an accident to my service, will neglect no duty upon self-safety.

‘ First

The Lord Chancellor, being recovered from his indisposition, in Easter Term pursued this affair concerning the jurisdiction of the Courts of Chancery and the King's Bench with

' First, it is necessary I let your Majesty know the ground of the difference between the two Courts, that your Majesty may the better understand the narrative.

' There was a statute made by 27 Edw. III. c. 1. which, no doubt, in the principal intention thereof, was ordained against those that sued to Rome; wherein there are words somewhat general against any that questioneth or impeacheth any judgment given in the King's Courts, or in any other Courts. Upon these doubtful words (*other Courts*) the controversy groweth. For, the founder interpretation taketh them to be meant of those Courts, which though locally they were not held at Rome, or where the Pope's chair was, but here within the realm, yet, in their jurisdiction had their dependence upon the Court of Rome; as were the Court of the Legate here, and the Courts of the Archbishops and Bishops, which were then but subordinate judgment-seats to that high tribunal of Rome. And for this construction, the opposition of the words (if they be well observed) between the King's Courts and other Courts, maketh very much; for, it importeth as if those other Courts were not the King's Courts. Also the main scope of the statute fortifieth the same; and, lastly, the practice of many ages. The other interpretation (which cleaveth to the letter), expoundeth the King's Courts to be the Courts of Law only, and other Courts to be the Courts of Equity, as the Chancery, Exchequer Chamber, Duchy, &c. Though this also flyeth indeed from the letter, for that all these are the King's Courts.

' There is also another statute, which is but a simple prohibition, and not with a penalty of a *præmunire*, (as the other is,) that, after judgment given in the King's Courts, the parties shall be in peace, except the judgment be undone by error or attaint, which is a legal form of reversal. And of this also I hold the founder interpretation to be to settle possessions against disturbances, and not to take away remedy in equity, where those judgments are obtained, *ex rigore juris*, and against good conscience.

' But, upon these two statutes there hath been a late conceit in some, that if a judgment pass at the common law against any, that he may not after sue for relief in Chancery; and, if he doth, both he and his counsel and his solicitors, yea and the judge in equity himself, are within the danger of those statutes.

' Here your Majesty hath the true state of the question, which I was necessarily to open to you first, because your Majesty calleth for this relation; not as news but as busines. Now to the historial part.

' It is the course of the King's-Bench, that they give in charge to a grand jury offences of all natures to be presented within Middlesex, where the said Court is; and the manner is, to enumerate them as it were in articles. This was done by Justice *Crook*, the Wednesday before the term ended. And that article (*If any man, after judgment given, had drawn the said judgment to a new examination in any other Court*) was by him specially given in charge which had not used to be given in charge before. It is true, it was not solemnly dwelt upon, but, as it were, thrown in amongst the rest.

' The last day of the term, (and that which all men condemn, the supposed last day of my Lord Chancellor's life,) there were two indictments preferred of *præmunire*, for suing in Chancery after judgment in common law; the one by Richard Glanville, the other by William Allen: the former against Courtney, the party in Chancery, Gibb the counsellor, and Deurst the clerk; the latter against Alderman Bowles and Humphrey Smith, parties in Chancery; Serjeant More the counsellor, Elias Wood solicitor in the cause, and Sir John Tindal, Master of the Chancery, and an assessor to my Lord Chancellor.

' For the cases themselves, it were too long to trouble your Majesty with them; but this I will say, if they were set on that preferred them, they were the worst marksmen that ever were that set them on. For, there could not have been chosen two such causes to the honour and advantage of the Chancery, for the justness of the decrees, and the foulness and scandal of fact and person, in those that impeach the decrees. The grand jury consisting (as it seemeth) of very substantial and intelligent persons, would not find the bills, notwithstanding they were clamoured by the parties, and twice sent back by the Court; and, in conclusion, resolutely seventeen of nineteen found an *ignoramus*; wherein, for that time, I think, *ignoramus* was wiser than those that know too much.

' Your Majesty will pardon me, if I be sparing in delivering to you some other circumstances of aggravation, and of concurrences of some like matters the same day; as if it had been some fatal constellation. They be not things so sufficiently tried as I dare put them into your ear.

' For my opinion, I cannot but begin with this preface, that I am infinitely sorry that your Majesty is thus put to salve and cure, not only accidents of time, but errors of servants; for I account this a kind of fickness of my Lord Coke's, that comes almost in as ill a time as the fickness of my Lord Chancellor. And, as I think, it was one of the wisest parts that ever he played, when he went down to your Majesty to Royton, and desired to have my Lord Chancellor joined with him; so this was one of the weakest parts that ever he played, to make all the world perceive that my Lord Chancellor is severed from him at this time.

' But, for that which may concern your service, which is my end, (leaving other men to their own ways;) first, my opinion is plainly, that my Lord Coke, at this time, is not to be disgraced; both because he is so well habituate for that which remaineth of these capital causes; and also, for that which I find is in his breast, touching your finances and matters of repair of your estate; and, if I might speak it, as I think it were good his hopes were at end in some kind, so I could wish they were raised in some other.

' On the other side, this great and publick affront, not only to the reverend and well-deserving person of your Chancellor, (and at a time when he was thought to lie on dying, which was barbarous) but to your high Court of Chancery, which is the Court of your absolute power, may not, in my opinion, pass lightly, nor end only in some formal atonement, but use is to be made thereof for the settling of your authority and strengthening of your prerogative, according to the true rules of monarchy.

' Now to reconcile and accommodate these two advices, which seem almost opposite: First, your Majesty may not see it, though I confess it be suspicious, that my Lord Coke was any way beforehand privy to that which was done; or that he did set it or animate it, but only took the matter as it came before him; and that his error was only, that at such a time he did not divert it in some good manner.

' Secondly, if it be true, as it is reported, that any of the puine judges did stir this busines; or that they did openly revile and menace the jury for doing their conscience; as they did honestly and truly, I think that judge is worthy to lose his place. And to be plain with your Majesty, I do not think there is any thing a greater *polychrestos*, or *ad multa utile*, to your affairs, than upon a just and fit occasion to make some example against the presumption of a judge in causes that concern your Majesty, whereby the whole body of those magistrates may be contained the better in awe; and, it may be, this will light upon no unfit subject of a person, that is rude, and that no man cares for.

' Thirdly,

with great spirit and alacrity ; and, it being brought to a hearing before the King as supreme judge of the jurisdiction of Courts, he used the utmost care to inform himself therein, and referred the same to Sir Francis Bacon and Sir Henry Yelverton, his Attorney and Solicitor, Sir Henry Montague and Sir Randolph Crewe, his Serjeants, and Mr. Walter, the Prince's Attorney, all eminent men in their profession, who, upon a serious consideration of the statutes, and the occasion of making them, and of the precedents since that time, in April, 1616, presented the King with their opinions and reasons why they conceived these statutes did not extend to the Court of Chancery. Consonant to this resolution, his Majesty, upon farther advice (f), gave judgment in July following.—“ That the statute of 27 E. III. ch. 1. and 4 Hen. IV. did not extend “ to the Court of Chancery : for the first was enacted against those who sued at Rome, “ and the latter was designed to settle possessions against disturbances, and not to take “ away remedy in equity (g). [R] Upon this, his Majesty ordered the case, the certi-

(f) Stephens's  
Introd. to Bacon's Letters,  
p. 34.  
1st. vol. Chancery Reports,  
8vo. London,  
1715. See also the tract annexed, entitled,  
The Jurisdiction of the Court of  
Chancery vindicated.

(g) Life of K.  
James I. by R.  
Wilson, ann.  
1616.  
Ar. Collins, &  
abova.

‘ Thirdly, if there be no one so much in fault, which I cannot yet affirm either way, and there must be a just ground, God forbid else, yet I should think, that the very presumption of going so far, in so high a cause, deserveth to have that done, which was done upon the indictment of Serjeant Heale, in Queen Elizabeth's time ; that the judges should answer it upon their knees before your Majesty or your council, and receive a sharp admonition : at which time also, my Lord Wray, being then Chief Justice, slip the collar and was forborn.

‘ Fourthly, for the persons themselves, Glanville and Allen, which are base fellows and turbulent, I think there will be discovered and proved against them, besides the preferring of the bills, such combinations and contemptuous speeches and behaviours, as there will be good ground to call them, and perhaps, some of their petty counsellors at law, into the Star-chamber.

‘ In all this which I have said, your Majesty may be pleased to observe, that I do not engage you much in the main point of the jurisdiction, for which I have a great deal of reason, which I now forbear. But two things I wish to be done : the one, that your Majesty take this occasion to redouble unto all your judges your ancient and true charge of rule, that you will endure no innovating the point of jurisdiction, but will have every Court impaled within their own precedents, and not assume to themselves new powers upon conceits and inventions of law : the other, that in these high causes that touch upon state and monarchy, your Majesty give them streight charge, that, upon any occasions intervening hereafter, they do not make the vulgar party to their contestations, by publickly handing them before they have consulted with your Majesty to whom the reglement of those things only appertaineth.

‘ To conclude, I am not without hope, that your Majesty managing this business according to your great wisdom, unto which I acknowledge myself not to be worthy to be card-holder or a candle-holder, will make profit of this accident as a thing of God's sending.

‘ Lastly, I may not forget to represent to your Majesty, that there is no thinking of arraignments until these things be somewhat accommodated, and some outward and superficial reconciliation at least made between my Lord Chancellor and my Lord Chief Justice ; for this accident is a banquet to all the delinquent's friends. But this is a thing that falleth out naturally of itself, in respect of the judges going circuit, and my Lord Chancellor's infirmity with hope of recovery : and, although this protraction of time may breed some doubt of mutability, yet, I have lately learned out of an excellent letter of a certain king, that the sun sheweth sometimes watery to our eyes, but, when the cloud is gone, the sun is as before. God ever preserve your Majesty (44) !

‘ Your Majesty's most humble  
subject and bounden servant,  
Feb. 21, 1615.

F. BACON.

(44) Bacon's  
Works, Vol. IV.  
p. 606, 607, and  
608. (and Cabala  
p. 28, 29, 30.)  
See also Bacon's  
ibid. Vol. IV.  
p. 627 and 628.

[R] And thereupon his Majesty ordered the case, &c. }  
This matter, (says Sir William Blackstone in his Comment. Book 3, cap. 4) being brought before the King was by him referred to his learned counsel for their advice and opinion : who reported so strongly in favour of the Courts of Equity, that his Majesty gave judgment in their behalf ; but, not contented with the irrefragable reasons and precedents produced by his counsel (for the Chief Justice was clearly in the wrong) he chose rather to decide the question by referring it to the plenitude of his Royal prerogative. We are obliged to Francis Hargrave, Esq. for the following note on the controversy about equitable jurisdiction.

Whether the Chancery can relieve by *subpæna*, after a judgment at law in the same matter, was the chief point in controversy between Lord Chancellor Ellesmere and Lord Chief Justice Coke. The latter resisted the equitable interpositions on various occasions. In one case, the King's Bench, whilst he presided over it, made a judgment absolute, and granted execution in spite of an injunction from Chancery (45). In another case, he, and the other judges of the King's Bench, first bailed and afterwards discharged one, who had been committed for disobedience to a decree in Chancery, where that Court interposed after a judgment at law (46). In a third case, where the defendant in Chancery, having been committed for contumacy in not answering, was brought by *habeas corpus* before the King's Bench, Coke held a language, which made it apparent, that he would have gone the same length, if it had been clear, that the bill in Chancery was for the same matter as the judgment at law ; and, in this, he was strongly seconded by Judge Doderidge (74). The grounds on which Lord Coke thus proceeded are stated by himself, both in his third and fourth institutes (48). Certain also it is, that he did not act without at least the colour and semblance of precedents and authorities in his favour. In the reign of Edward the fourth, Hussey, Chief Justice of the King's Bench, avowed, that, if the party imprisoned by Chancery in a like case required it, he would have acted on the same line of conduct (49). In the reign of Henry the Eighth, Sir Thomas Moore, whilst he was Lord Chancellor, joined the House of Lords in charging it as a crime against Cardinal Wolsey, that he had examined matters in Chancery after a judgment at law (50). In the same reign, even the most zealous advocates for the equitable jurisdiction of Chancery disfavoured the right to interfere after a judgment at law, as is evident from the writings of the author of “ The Doctor and Student.” In the reign of Elizabeth, three indictments of *præmunire* on the Statute of 27 Edw. 3. are stated to have been found against different persons for obtaining *subpænas* after judgment at law ; one in the 8 & 9 Eliz. whilst Sir Nicholas Bacon was Lord Keeper ; a second in 27 Eliz. whilst Sir Thomas Bromley held the seals ; and a third in 30 Eliz. in which last instance it is represented that the Court of King's Bench, on exceptions taken, decided that the case was within the statute, though they quashed the indictment for mistake of a name (51). These cases are also said to have been followed

(45) Cro. Jam.  
335.

(46) Cro. Jam.  
343.

(47) 3 Bulst.  
115.

(48) 3 Inst. 122.  
& 4 Inst. 185.

(49) 22 E. 4. 37.

(50) 3 Parl.  
Hist. 42.

(51) 3 Inst. 114.  
by

ficate, and the transactions thereupon, to be enrolled in the Court of Chancery (b). This foul affair greatly served to hasten Lord Chief Justice Coke's disgrace (S), and is mentioned by Mr. Stephens as the first of the causes which deprived the Chief Justice of his place before the expiration of the same year (i).

The Lord Chancellor, having repelled, with credit and success, this extraordinary attack made through the haughty and vindictive spirit of Lord Chief Justice Coke, and being recovered from his indisposition, was, on the 12th of May, 1616, constituted Lord High Steward for the trial of Robert, Earl of Somerset, and Francis his wife, for poisoning Sir Thomas Overbury. This solemn trial commenced on the 24th of May, when the Countess of Somerset was brought into Westminster-Hall. The Lord High Steward came on horse-back, preceded by the proper officers of state, and others of the nobility, and followed by two Barons, and two Knights on horseback. The Countess (k), pleading guilty, was condemned; and, appealing to the mercy of her Peers, and interceding for their interest with the King to spare her life, was the object of universal pity. The Earl was tried the day following, and was found guilty of felony (l). After their conviction the Chancellor resolutely and consistently refused to affix the Great Seal to the very extraordinary pardon granted, and already signed by the too indulgent lenity of the King, which was copied from one granted by the Pope to Cardinal Wolsey, and which ran in these words: "That the King, of his mere motion and special favour, " did pardon all and all manner of treasons, misprisions of treasons, murders, felonies, " and outrages whatsoever, by the said Robert Carre, Earl of Somerset, committed, or " hereafter to be committed (m)."

On the 20th of May following, he was constituted one of the Commissioners to treat with Sir Noel Caron, Knight, Ambassador for the States General, concerning the rendition of the cautionary towns into the hands of the States (n). On the 3d of June, the Archbishop of Canterbury, and others, were appointed to enquire who were the authors of his being indicted of *præmunire* (o), which was the leading cause of Sir Edward Coke's disgrace. He was one of the grand council, convened at Whitehall on the 6th of June, 1616, the King himself, in council, before whom the twelve Judges were summoned to appear, and accused of having, in the execution of their office, unconsti-

(m) See *Truth brought to light, &c. or History of the first 14 years of King James*, Lond. 1651. Rymer, *ibid.* p. 781.

(n) Rymer, *ibid.* 783.

(o) *Camdeni Ann. App. Jac. 1616. Carte's Hist. of Eng.* p. 41.

(52) *Ibid.*

(53) *3 Inst. 125.*

(54) *March's Rep. 183.*

(55) *Morel v. Douglas Hardr. 23.*

(56) *Harris v. Colliton Hardr. 223.*

by another of the 39 & 40 Eliz. in which, on a demur-  
rer to a bill in Chancery after judgment at law, there  
was a reference to all the Judges of England, who are  
stated to have concurred in certifying that the demur-  
rer was good. Sir Moyle Finch's case (52). Whether  
the weight of authorities, and of the reasoning inde-  
pendently of them, did on the whole preponderate for  
or against Lord Coke, is a point upon which it would  
be rash to pronounce without a very close and accurate  
investigation. In the mean time it must be confessed,  
that, without taking into account the high estimation of  
the venerable Lord Ellesmere's character, there is  
seemingly great presumption in favour of his side of  
the controversy; for it not only terminated with a  
decision against Lord Coke, but that decision, notwithstanding  
various attempts to unhinge it, still operates  
with full force. The decision against Lord Coke was  
in 1616, when the Attorney General Bacon, the  
Solicitor General, and the King's Serjeants, having  
certified in favour of Chancery on a case referred to  
them by the crown, King James declared his appro-  
bation, and issued a rule for direction of Chancery  
accordingly. Nor was this the full extent of Lord  
Ellesmere's victory; for, Lord Coke was called to a  
severe account for his conduct in this strife about  
jurisdiction, and found it convenient to make a very  
humiliating submission. However, it appears by the  
third Institute, that Lord Coke considered the victory  
as obtained by undue means, and did not really re-  
linquish his original notions on the subject (53).

Such was the effect of King James's decision in  
favour of equitable jurisdiction, that Lord Coke did  
not live to see a revival of the attempts to check it.

But, within a few years after Lord Coke's death,  
the question of equitable jurisdiction was again stirred,  
and, as it seems, not wholly without success. In 17  
Cha. I. it is reported to have been agreed in the  
King's Bench, that a Court of Equity could not relieve  
after judgment at law (54). In 1655, the like question  
was moved against the equitable jurisdiction of the  
Exchequer, and a demur-  
rer to a bill after judgment  
at law was there allowed (55). In 1658, another case  
was argued in the Exchequer on the same point: but  
no judgment appears to have been given (56).

After the Restoration there occurred on this subject

(b) Stephens's *Introd. to Bacon's Letters*, p. 14. *Carte's Hist. of Engl.* Vol. IV. p. 35. *Act of Council in the Appendix to the first vol. of Chancery Reports*. See a farther explanation of this affair in article *Bacon, Francis, and Coke, Sir Edward*.

(i) Stephens's *Introd. to Bacon's Letters*, p. 34.

(l) *Truth brought to light by time*, p. 74.

(n) *Camdeni Ann. App. Jac. 1616. Introd. to Bacon's Letters*, p. 32. *State Trials*, Vol. I. p. 365. *Biogr. Britan.* Vol. I. p. 467. article *Bacon, Francis, Arthur Wilson's Hist. of James I.*

the two cases following: namely (57). The former was a case of demur-  
rer on action of *præmunire* in the King's Bench. It began whilst Kelynge was Chief Justice; who, after argument, thought it a fit case for adjournment into the Exchequer Chamber (58). But, afterwards, when Lord Hale was become Chief Justice, he is said to have held that the case was not within the statute of *præmunire*, on which nothing farther was done in the case (59). In the latter case, a judgment at law had been pleaded to a bill in Chancery; and, on the plea's being overruled, a prohibition was moved for in the King's Bench, when Lord Hale recommended that it should be moved in Chancery to have the plea set down again; and he said, that, if it should be overruled again, then the court would consider, whether a prohibition should be granted (60).

Thus rested the dispute till 1695, when it was once more revived by Sir Robert Atkins, who, almost immediately after resigning the office of Lord Chief Baron published an elaborate treatise against the equitable jurisdiction of Chancery, in which he particularly insisted that it could not interpose after a judgment at law. This treatise he addressed to the Lords; but, as far as appears at present, neither this nor a subsequent publication in 1699 by Sir Robert on the jurisdiction of the Peers, in which he again inveighed against Chancery, produced the least effect: on the contrary, the jurisdiction of equity, as well after as before judgment, has been ever since exercised without controversy or interruption.

[S] *Lord Chief Justice Coke's disgrace.*] In a letter from Sir Francis Bacon to Lord Chief Justice Coke in disgrace, he mentions the following, among the faults and misconduct that occasioned it. ' You make the law to lean too much to your own opinion, whereby you shew yourself to be a legal tyran, striking with that weapon when you please, since you are able to turn the edge any way: for thus the wise master of the law (viz. the Chancellor) gives warning to young studens, that they should be wary, lest while they hope to be instructed by your integrity and knowledge, they should be deceived with your skill armed with authority (61).'

SIR FRANCIS BACON to Lord Chief Justice Coke.

(57) *King v. Standish & Keb. 402, 661, 787.* 1 Mod. 59. 1 Sid. 463. 1 Lev. 241. And *King v. Welby* in *Sir Thomas Raym. 227. & 3 Kel. 221.*

(58) 1 Mod. 67.

(59) 1 Lev. 243

(60) *T. Raym. 227.*

tutionally entrenched on the powers and prerogatives of the crown, in granting *Commandams* (p). The King himself took an active part in this business, and, after a judicial discussion of the question, in which the opinion of Sir Francis Bacon, the Attorney General, was seconded and confirmed by that of the Chancellor, they were severely censured for having grossly and wilfully erred both in the *matter* and *manner* of their proceedings; particularly in not obeying the royal command delivered to them by the Attorney General, and in not delaying to proceed in a cause in which the prerogative was concerned till they had consulted his Majesty, and known his farther pleasure. They all submitted willingly, except the Lord Chief Justice Coke (in the whole of which business he acted a very noble part), and were obliged to crave his Majesty's gracious favour and pardon upon their knees (q). On the 20th, the King, in the Star-chamber, asserted the authority of the Chancellor as more especially his own; and, on the 30th, Lord Chief Justice Coke was degraded [T] for several causes of offence, particularly those two which have been just mentioned, viz. his attack upon the Chancellor, and the affair of the *Commandams* (r).

The Lord Chancellor was now more than 76 years of age, and feeling both the powers of his mind and body shrink under the pressure of old age and infirmity, by the most earnest solicitations he entreated the King to give him an honourable discharge from his high office; partly from a scrupulous apprehension and conscientious diffidence of being competent to bear the fatigues, and to discharge the duties, of it as he ought; but principally from an ardent desire to retreat from the busy scenes of office, in order to devote the evening of a life, spent in the honest and faithful discharge of a high profession, to religious meditation.

“ Most gracious Sovereign,

“ I find, through my great age accompanied with griefs and infirmities, my sense and “ conceipt is become dull and heavy, my memory decayed, my judgment weak, my “ hearing imperfect, my voice and speech failing and faltering, and in all the powers “ and faculties of my mind and body great debility. Wherefore, *conscientia imbecilli- tatis*, my humble suit to your most sacred Majesty is, to be discharged of this great “ place wherein I have long served, and to have some comfortable testimony under “ your royal hand, that I leave it at this humble suit, with your gracious favour; so “ shall I with comfort number and spend the days I have to live in meditation, and “ prayers to almighty God, to preserve your Majesty, and all yours, in all heavenly “ and earthly felicity and happiness. This suit I intended some years past *ex dictamine rationis et conscientiae*; love and fear stayed it: now necessity constrains me to it: I am “ utterly unable to sustain the burthen of this great service; for I am now come to St. “ Paul's desire, *Cupio dissolvi et esse cum Christo*. Wherefore, I most humbly beseech “ your Majesty, most favourably to grant it your Majesty's most humble and loyal poor “ subject and servant,

“ THOMAS ELLESMORE, Canc' (s).”

(s) Cabala, p. 219.

This letter could not, however, prevail with the King to dismiss so useful and faithful a servant, which obliged the Chancellor, by a second (t), most earnestly to impor-

(t) Ibid. p. 219.

[T] On the 30th, Lord Chief Justice Coke was degraded.]

19th Nov. 1616. A thunderbolt hath fallen on Lord Coke in the King's Bench, which hath overthrown him from the roots. The *superseideas* was carried to him the last week by Sir George Coppin, who at the presenting of it saw that animosity and supposed greatness of spirit to fall into a very narrow room—for, he received it with dejection and tears—*Tremor et Secessio non cadunt in fortem et constantem.*

Mr. JOHN CASTLE to Mr. James Milles.  
Birch MSS. 4176. 64.

During the time that Lord Chief Justice Coke lay under the displeasure of the Court, some information was given to the King, that he having published eleven books of Reports had written many things against his Majesty's prerogative. And being commanded to explain some of them, my Lord Chancellor Ellesmere doth thereupon in his letter of 22d October 1616 write thus to the King; ‘ According to your Majesty's directions signified unto me by Mr. Solicitor, I called the Lord Chief Justice before me on Thursday

the 13th inst. in presence of Mr. Attorney, and others of your learned Counsel. I did let him know your Majesty's acceptance of the few animadversions, which, upon review of his own labours, he had sent, though fewer than you expected, and his excuses other than you expected. And did at the same time inform him that his Majesty was dissatisfied with several other passages therein. 'Tis true, the Lord Chancellor wished he might have been spared all service concerning the Chief Justice as remembering the fifth petition of *Dimittit nobis debita nostra*, &c. Inasmuch that, though a committee of Judges was appointed to consider these books, yet the matter seems to have slept till after Sir Francis Bacon was made Lord Keeper it revived, and two Judges more were added to the former (62).

[The Lord Chancellor Ellesmere's wish to have been spared all service concerning the Lord Chief Justice Coke appears to us a testimony of his sensibility, of his mild disposition, and of the goodness of his heart: But this we submit to the better judgment of our readers.]

(62) Bacon's Works, fol. Vol. IV. p. 657. note (\*).

tune an honourable dismission [U]. The King at last consented, though he had endeavoured to induce him, as much as possible, to remain in office, as the Prince of Wales likewise had done; which appears from two letters [W] they sent to the Chancellor this year from Newmarket. King James parted with an old and faithful servant with all imaginable tenderness, and, as a mark of his royal favour and approbation, advanced him to the dignity of Viscount Brackley (u) on the 7th of November, 1616. Though he then resigned the duties of that high and important office of state, the King let him, however, keep the seal in possession till the beginning of Hilary term following, when, according to the accurate Camden, [X] on the 3d of March, 1617, his Ma-

(u) Pat. 14 Jac.  
p. 26.  
Catalogue, &c.  
by R. Brooke.  
Camdeni An.  
App. Jac. 1616.

[U] *An honourable dismission.* Your royal favour hath placed and continued me many years in the highest place of ordinary justice in this your kingdom, and hath most graciously born with my many but unwilling errors and defects, accepting, instead of sufficiency, my zeal and fidelity, which never failed. This doth encourage and stir in me an earnest desire to serve still: but, when I remember St. Paul's rule, "Let him that hath an office wait on his office;" and do consider withal my great age, and many infirmities, I am dejected, and do utterly faint: for I see and feel sensibly, that I am not able to perform those duties as I ought and the place requires; and thereupon I do seriously examine myself, what excuse or answer I shall make to the King of Kings, and Judge of all Judges, when he shall call me to account; and then my conscience shall accuse me, that I have presumed so long to undergo and wield so mighty and great a charge and burthen; and I behold a great cloud of witnesses ready to give evidence against me.

1. Reason telleth me, and by experience I find, *Senectus est tarda et obliviosa, et infanabilis morbus.*

2. I heard the precepts and council of many reverend, sage, and learned men, "Senectuti debetur otium," "slove senectutem mature," &c.

3. I read, in former laws, that old men were *emeriti et rude donati*; and one severe law that *faith, Sexagenarius de ponte*, whereupon they are called *Depontanei*. And Plato, lib. 6. *de legibus*, speaking of a great magistrate which was *Præfector legibus servandis* determineth thus: *Minor annis 50 non admittatur; nec major annis 70 permittatur in eo perseverare*: and, to this law, respecting both mine office and mine years, I cannot but yield. But, leaving foreign laws, the stat. anno 13 E. I. speaketh plainly, *Homines excedentes etatam 70 annorum non ponantur in Affisis et juratis.* So as it appeareth, that men of that age are by that law discharged of greater, painful, and careful, especially judicial, offices.

4. Besides, I find many examples of men of great wisdom, knowledge, and judgment, meet and worthy to be followed; of which, (leaving all other) I will remember that of William Warham, Archbishop of Canterbury, and Chancellor of England, who, after long service, was, upon his humble suit, discharged of the office of Chancellor of England, in respect of his great age. Seeing then such a cloud of witnesses against me, which, in my private soliloquies and meditations, are daily and continually represented to my view, and mine own conscience (more than a thousand witnesses) concurring with me: Pardon me, my most gracious Sovereign, to conclude with good Barzillai, *Quot sunt dies annorum vitæ meæ? quare servus tuus fit oneri domino nostro Regi? obsecro ut revertar servus tuus et moriar, &c.* So I most humbly beseech your most sacred Majesty, graciously to regard the great age, infirmity, and impotency, of your most devoted, obedient, loyal, and faithful, servant: let me not be as *Domitius* after *Maluit deficere quam definire*; but, with your princely favour, give me leave to retire myself from the careful service of this great office, and from the troubles of this world, and to spend the small remnant of my life in meditation and prayer; and I will never cease to make my humble supplications to Almighty God, to bless and prosper your Majesty, the Queen, the Prince, all your Royal issue, with all heavenly and earthly felicity; which is the last

and best service your poor, aged, weak, and decayed, servant can do for you.

THO. ELLESMORE, Cane' (63). (63) Cabala, p. 219, 220.

[W] *Two letters they sent to the Chanceller this year from Newmarket.*

To the Right Trusty and Right well Beloved our Chancellor of England.

My Lord,  
The letter I wrote the last year from the same town unto you proved so good a cordial for your health, as I am th- reby encouraged to do the like at this time; and, as I both hope and pray for, with the like success: I cannot but be extremely sorry for the evil conceit you have of your own strength, which makes me the more to presume upon the good operation of this physic of mine, since I am sure it cannot work more upon your mind than any other worldly thing. The greatness of your place, and the ability which God hath given you to discharge it, to the honour of God, and the great benefit of the commonwealth, it is a cause sufficient to stir you up to be careful of your own health, and even to fight against diseases as far as you can; but, when you shall remember how ill I may want you, and what misfortune your Master shall have of you, I hope the reason will be predominant to make you not strive with, but conquer, your disease, not for your own sake, but for His, of whom you may promise yourself as much love, and hearty affection, as might be expected from so thankful and kind a master, to so honest and worthily deserving a servant; and so, praying God to bless this my cure, I bid you heartily farewell.

JAMES REX.

\* Feb. 9, 1616, Newmarket.

About this time there was some appearance of amendment in Lord Chancellor Egerton's health, which the Prince of Wales congratulates under his own hand.

My Lord Chancellor,  
As I was very sorry having understood of your danger and sickness, so do I much rejoice at the good appearance of your recovery, which Thomas Murray hath declared to me, and of the affection and care you have of my person and of my estate: for which you and yours shall ever find me most willing to give testimony to the world, how much I respect those who are truly affected towards me; I hope by God's grace to give you particular by myself, and that God shall give you health and strength of body and mind, that the King, Queen, and I, with this whole kingdom, may long enjoy the fruit of your long, wife, and religious, experience, which wishing from my heart, I end,

Yours, CHARLES, Pr.  
Newmarket, Feb. 18. 1616.

[X] *On the third of March, 1617.* As an historical fact relating to the Court of Chancery, it may possibly be considered as not quite unworthy of observation, that no person has yet held the seals for so long a time as Lord Ellesmere did, viz. from the 6th of May, 1596, to the 3d of March, 1617.

jestly

jesty went to visit the Chancellor, and received it from his hands with tears of gratitude and respect (w) [2].

On the seventh it was committed to the custody of Sir Francis Bacon (x), the person whom his Lordship desired might succeed him (y). Another author (z) says, that the King sent Secretary Windwood for the seal with this gracious message, "That himself would be his Underkeeper and not dispose of it, while he lived to bear the title of Chancellor," and that no one received it out of the King's sight till Lord Chancellor Egerton's death, which followed soon after [Z]: these accounts are very reconcilable, as the King might both receive it in form from the Chancellor's hands and lend his Secretary for it afterwards. On the 24th of January, he had, for the same reasons, resigned the office of Chancellor of the University of Oxford [AA], and was succeeded by the Earl of Pembroke.

His Lordship's illness increasing, the King, as a farther testimony of his affection and good-will, and of all that the munificence of a Prince could do to sooth the dying moments of an aged servant, [BB] sent the Earl of Buckingham and Sir Francis Bacon, on the 15th of March, to signify his intention of honouring him with an Earldom, accompanied with an annual pension (a) [CC]. These honours he did not live to receive, but left them in the hands of his royal master to testify a reverence for his memory, and a grateful sense of his services, by conferring the former upon his son, John Egerton, afterwards created Earl of Bridgewater (b). The age in which he lived was a particular æra of the British annals, distinguished by many great and extraordinary public cha-

(x) *Ibid.*  
Dugdale's  
Baronage of  
England, p. 415.  
Bacon's works  
Vol. IV. p. 666.

[2] *Tears of gratitude and respect.*] Camden's words are these: 'Rex invicit Cancellarium languentem et ex invalida senectute officio cedere volentem: Cancellarius sigillum in manu Regis lachrymantis tradidit.'

[Z] *Which followed soon after.*] This we are assured of by Mr. W. Sanderson, the publisher of "Aulicus Coquinaria," by way of reply to Sir Anth. Weldon; who, in his "Court and Character of King James (64)," says, "that the Lord Chancellor, as well as Sir Robert Mansell, was removed by the pride and insolence of Villiers, for not giving way to his exorbitant desires, who would not let him seal up his dying eyes with the seals which he had so long carried and so well discharged. And, to despite him the more, and to vex his very soul, in the last agony, he sent Bacon (one he hated) yet to be his successor for the seals; which the old man's spirit could not brook; but sent them by his own servant; and, shortly after, yielded his soul to his Maker." Sir Anthony must be wrong in this part of his narration. He hated Villiers himself and Bacon too, (because he had conceived them to have been enemies to Essex,) of which last he says—

"Surely never so many brave parts and so base and abject a spirit ever tenanted together in any one earthen cottage as in this man (66); and will have the Chancellor, whom all men loved, to hate them too."

Mr. Stephens, in his Introduction to Bacon's Letters, affirms, "that he voluntarily resigned in full

"possession of the King's favour, notwithstanding

"what some pamphleteers have reported (67)." Mr.

Stephens, in another place, calls Sir Anthony "a loose

"writer (68)."

[AA] *Chancellor of the University of Oxford.*]

"To the Right Reverend Father in God Arthurie Lord Bishoppe of Bath and Wells, and Vice-Chancellor of the University of Oxon.

"My Lord,

"At your last being with me, I tould you that I had late v. resigned three places to ease myself of my care and trouble concerning the same, which I did then by way of idle discourse, *tanquam aliud agens*, although mine intention was seriouly fixed upon that which I doe, that is, that as a weary traveller desires to be unburthened by little and little of some part of his loade towards the end of his journey; so now, after theis three to free myself of the fourth, which is the charge that lyeth upon me as Chancellor of the Universitie of Oxford. I have voluntarily and freely resigned the same, as by the instrument which I send you herewith under my hand and seale may appeare. And I trust, ere it be long, to bee discharged of a greater charge and burthen, either by God's merciful calling mee hence (for *cupio dissolvi et esse cum Christo*) or by his Majestys

gracious and favourable graunting my most humble suite. So praying God to bles that famous Universitie with all happiness, and wishing to your selfe all contentment in Christ Jesu, I rest,

"Your Lordship's very loving Friend,

"BRACKLEY, Canc.

At York-House, 25 Jan. 1616.

"Be it known to all to whom this present writing shall come: That I Sir Thomas Egerton, Knight, Viscount Brackley, Baron of Ellefmere, Lord Chauncelor of England, and Chauncelor of the Universitie of Oxford, wishing all godly blessings and honourable happiness to that worthy and famous Universitie: And waighing my great age and infirmities, and being wearied with the multitude of many great affaires and busyness, wherein I have bene and am dayly employed, have, upon advised and serious consideration therof and upon mature deliberations, resigned, surrendered, and given upp, and doe by this my present deede voluntarily and freely resign, surrender, and give upp, to the Vice-chancellor, Masters, and Schollers of the said Universitie, the office and dignitie of the Chauncelship of the same Universitie, which they graunted unto mee by there deede under there common seale, bearing date the fixte day of November, An. Dni. 1610. It witness whereof I have hereunto subscribed my name and putt my seale the fourte and twentieth day of January, in the yeare of the reigne of our most gracious Soveraigne Lord James, by the grace of God King of England, Scotland, France, and Ireland, that is to witte of England, Fraunce, and Ireland, the fourteenth, and of Scotland the fytieth, 1616.

"BRACKLEY, Canc (69)."

(69) Reg. N.  
23. fol. 34. 2.  
and b.

[BB] *The King sent.*] "The very day I wrote (Mar. 15) the late Lord Chancellor left this busy world, visited in *articulo mortis*, or not full half an hour before, by the new Lord Keeper, with a message from his Majestys, that he meant presently to bestow on him the title of Earl of Bridgewater, to make him President of the Council, and to give him a pension of 3000l. a year during his life. But he was so far past, that no words or worldly comforts could work with him, but only thanking his Majestys for his gracious favours, said, "That their things were all to him but Vanities."

Carleton's Letters, Birch MSS. 4175.

Sloane Collect. dated March 29, 1617.

[CC] *Accompanied with an annual pension.*] In a little book entitled "Grandeur of the Law," the brief account of Lord Ellefmere closes thus, viz. "Created Baron of Ellefmere and Viscount Brackley, leaving at his death an estate of his own raising of at least eight thousand per annum (70)."

(70) Grandeur  
of the Law by  
H. P. Gent.  
printed at Lond.  
1685. p. 5.

racers: but, whilst the misconduct or misfortune of a Devereux, a Raleigh, a Bacon, and a Coke, exposed them to public disgrace, or to an ignominious death; the prudence, discretion, and integrity of an Egerton, secured him a safe and honourable retreat from this life: for, he died at York-house, in the Strand, on the 15th day of March, 1617, in his 77th year, "in a good old age, and full of virtuous fame," and in the words of Camden, "*Forte quanto proprius Reipublicæ mala viderat, ut integer honestus tum finem voluit.*" To sum up his character, says the Right Reverend Author, of the Life of Archbishop Williams, he was one "*Qui nihil in Vitâ nisi laudandum aut fecit, aut dixit, aut sensit (e).*" He was buried at Doddleston, in Cheshire, on the 6th of April, without any other pomp or glory "than what resulted from the fame of his virtuous actions (d)."

After his death he was succeeded, according to his wish, in the office of Lord Chancellor by that great lawyer and statesman Sir Francis Bacon; and, in addition to his distinguished merit as a lawyer and statesman, we cannot form an idea of him as [DD] a general scholar and encourager of learning, on higher authority than from the testimony of that luminary of science, who has left us the following monument raised to the universal erudition of his illustrious friend and benefactor. [Sir Francis Bacon's Letter to the Lord Chancellor Ellesmere, accompanied with his book on the (e) *Advancement of Learning*].

(c) *Velleius Paternus*.

(d) *Dugdale's Baron. in loco. Stephens's Introduction to Bacon's Letters, Camden. Ibid.*

(e) *London printed for Henry Jones, at Gray's Inn Gate, 4to, 1605; again 1629, and 1633. In the new Edition of Bacon's Works, 1740, Vol. II. p. 364. Biog. Brit. Vol. I. p. 459, note [P].*

(f) *Bacon's Works, p. 563. Cabala, p. 64.*

(g) *Ibid. p. 565, 566.*

(71) *Sir G. Paul's Life of Whitgift, page 77.*

(72) *Fuller's Church History, Book 10, p. 16.*

" It may please your Lordship,  
" I humbly present your Lordship with a work, wherein, as you have much commandment over the author, so your Lordship hath great interest in the argument: for, to speak without flattery, few have like use of learning, or like judgment in learning, as I have observed in your Lordship. And, again, your Lordship hath been a great planter of learning, not only in those places in the church which have been in your own gift, but, also, in your commendatory note, no man hath more constantly held *detur digniori*. And, therefore, both your Lordship is beholding to learning, and learning beholding to you; which maketh me presume, with good assurance, that your Lordship will accept well of these my labours, and so, with signification of my most humble duty and affection to your Lordship, I remain (f)."

Sir Francis Bacon likewise addresses to him a letter, with propositions at large, to procure the History of Great Britain, then united under one King, to be represented by some able hand in a manner becoming the dignity of the subject (g).

His Lordship left four manuscripts of choice collections. "1. The Prerogative Royal. 2. The Privileges of Parliament. 3. Proceedings in Chancery. 4. The Power of the Star-Chamber (EE);" and, when he was lying upon his death-bed, to testify his affection to his Chaplain Williams, he desired him to chuse what most acceptable legacy he should leave him; (FF) when Williams requested only these four books.

The

[DD] *Of learning* ] " Her Majesty and the state had long experience of his (Lord Ellesmere's) integrity and Wisdom. He was a lover of learning, and a most constant favourer of the Clergy, and Church Government established; as also, a faithful loving friend to the Archbishop Whitgift, in all his affairs, &c (71)."

At the conference of Divines at Hampton Court concerning Conformity in 1603-4, the Lord Chancellor Ellesmere took occasion thus to express his opinion. " Livings rather want learned men, than learned men livings, many in the Universities pining for want of places. I wish, therefore, some may have single coats, before others have doublers: and this method I have observed in bestowing the King's benefices (72)."

Sir Simon Degge records this conduct of the Lord Chancellor in his "Parson's Counsellor," page 37, calling it "a worthy Precedent."

In 1612, Francis Rollinson, B.D. some time Fellow of St. John's College, Cambridge, published a volume of curious sermons, entitled, "Twelve Prophetical Legacies," &c. which he dedicated to Lord Chancellor Ellesmere. In the Dedication he premises, that "Counsel and Help be the two maine pillars and supporters of every Commonwealth;" then he adverteth to the value of the Lord Chancellor in these respects; and records also his exemplary attention to the interests of learning. "This Counsell, and this Help, are the pillar-like feet of every noble Theophilus, who treadeth the steppes of Christ, and walketh in his pathes; and such a Theophilus may your Lordship be justly accounted; for, not only by Counsell as being one of the chiefest oracles of this land, but also by Help, as being one of the best

nursing Fathers of the Church, your honour seeketh the welfare of Zion, and the good of God's Temple. It is not I alone that say thus, but it is *Musarum Vox*, the voice of the learned twins of this realme the two Universities, many of whose sons had died and beene buried in their selles, had not your Honour called them forth, and sent them into God's vineyard (73)."

[EE] *Star-Chamber.*] Mr. Hudson, a barrister of eminence, and a contemporary of Lord Chancellor Egerton's, in his manuscript treatise on the Star-Chamber, continually refers to his Lordship in terms of high encomium and great veneration. That manuscript is in the British Museum (Harl. Catal. 1226. Vol. I.) Sir William Blackstone refers to it in the 4th volume of his *Commentaries*, page 267.

[FF] *When Williams requested these four books.*] Hacket thus describes the Chancellor's donation of his papers to Williams. " Well (said the Chancellor), I know you are an expert workman: take these tools to work with, they are the best I have." And he gave him some books and papers written with his own hand. These were as valuable as the sibylline prophecies. They were that Old Sage's collections for the well-ordering the High Court of Parliament, the Court of Chancery, the Star-Chamber, and the Council-board. An inestimable gift, being made over to the true heir apparent of his wisdom. Let every one wear the garland he deserves. For my part, I attribute so much to the Lord Egerton, that I believe the master's papers were the marrow of Mr. Williams, his prudence, and subtle judgment in all his negotiations. These notes I have seen, but are lost, as it is to be feared, in unlucky and devouring times (74)."

(73) Extract from the Dedication, &c. See also the note [K] of this article.

(74) Hacket's Life of Williams, fol. Part 1. p. 30-31.

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The legacy was bequeathed him, 'and Williams made such use of it,' says Fuller, 'that he transcribed these four books into his own brains: books,' adds he, 'that were (b) the four elements of our English state, from which (i) he derived all that legal and political knowledge which qualified him for those high and eminent stations he afterwards filled.' This appears from the King's declaration to his (k) Privy-Council on the 10th of July, 1621, when he gave the Great Seal to him, who, among other reasons of his choice, mentions, as one, the great experience he had in Chancery business, under the Lord Ellesmere (l). These books, which were principal instruments of his future fortunes, he so highly valued as to deem them a present fit to be offered to King James, to whom he gave them (m). In Lord Chancellor Egerton's life-time (n), was printed in quarto, in sixteen sheets, Lond. 1609, his "Speech in the Exchequer-Chamber," in Robert Calvine's cause, son and heir-apparent of James Lord Calvine, of Colcross, in the Realm of Scotland, commonly called the case of the (o) Postnati. In the year 1641 was printed at London "The Priviledges and Prerogatives of the High Court of Chancery, written by the Right Honourable Thomas Lord Ellesmere, late Lord Chancellor of England." In the year 1651 there was published at London a small octavo book, entitled, "Certaine Observations concerning the Office of Lord Chancellor," composed by the Right Honourable and most learned Thomas Lord Ellesmere, late Lord Chancellor of England, small octavo, extracted chiefly from records. And Mr. George Paul published some papers found amongst the manuscripts of Mr. Laughlin, of Cambridge, which were said to have been written with the Lord Chancellor Egerton's own hand. These were entitled, "The Lord Chancellor Egerton's Observations on the Lord Coke's reports, particularly in the Debate of Causes relating to the Right of the Church, the Power of the King's Prerogative, the Jurisdiction of Courts, or the Interest of the Subject;" but, it is not generally agreed that these papers are truly ascribed to Lord Chancellor Egerton.

His person, as to its exterior, was possessed of such grave and striking dignity, as to excite the curiosity of many to go to the Chancery in order to see and admire his venerable presence; (and happy they, observes the facetious Fuller, who had no other business there (p);) and his interior presented a subject of higher admiration [GG]. His apprehension was keen and ready, his judgment deep and sound, his reason clear and comprehensive, his method and elocution elegant and easy (q). As a lawyer, he was prudent in counsel, extensive in information, just and honest in principle; so that, while he lived, he was excelled by none, and, when he died, he was lamented by all (r). As a statesman, he was able, faithful, and sincere, on all occasions; and, as a judge, impartial and incorrupt. When he saw King James so profuse to the Scots, in his honest and open zeal for the interest of the crown, he scrupled not frequently to admonish him, however he held it necessary that his Majesty should amply reward his countrymen, not to be too lavish of the crown-lands, but to preserve them for his own support, since he or his successors might meet with Parliaments which would not supply his occasions but on such conditions as he would not like (s). It was with him a common saying—*Frost and fraud both end in foul* [HH] (t), a maxim his successor, the great Bacon, might lament he had not weighed in time.

*The Lord Chancellor Egerton's observations on the Lord Coke's Reports.]*

In Mr. Hargrave's Collection of Law Manuscripts, there is a piece intitled—'Abridgment of the Lord Coke's Reports under the Lord Egerton's own hand.' It contains a short account of each case in the eleven volumes of Reports published by Lord Coke himself; and, probably, was a labour undergone by Lord Chancellor Egerton, as a preliminary to his observations on Lord Coke's Reports.—There is also, in Mr. Hargrave's collection of Law Manuscripts, a piece with this title,—"Observations upon Lord Coke's Reports, made by the Lord Chancellor Egerton, taken by me out of his own papers, written with his own hand." These observations are not the same as those in print, but seem to be additional. Who the transcriber was doth not appear.

[GG] *Higher admiration.*] Anagram from Camden's Remains, 4th Edit. page 512.

THOMAS EGERTON  
Gestat Honorem.  
Oris honore viget, vi mentis gestat honorem  
Juris Egertonius, dignus honore coli.

Epigram 74th of Ben Jonson.

To THOMAS LORD CHANCELLOR.

'Whilst thy weigh'd judgments, Egerton, I hear,  
'And know thee, then, a judge, not of one year;

'Whilst I behold thee live with purest hands,  
'That no affection in thy voice commands ;  
'That still thou'rt present in the better cause,  
'And no less wise than skilful in the laws ;  
'Whilst thou art certain to thy words, once gone,  
'As is thy conscience, which is always one :  
'The Virgin, long since fled from earth, I see  
'T' our times return'd, hath made her heaven in thee.

[HH] *Frost and fraud both end in foul.*]

I have heard my Lord High Steward say sometimes in the Chancery, that frost and fraud end in foul; and I may add a third, and that is, the friendship of ill men, which is truly said to be conspiracy, and not friendship.

*Sir Francis Bacon's speech at the trial of the Earl of Somerset (75).*

Lord Bacon has, in his apophthegms, recorded two of Lord Ellesmere's familiar observations, viz.

'They were wont to call referring to the Masters in Chancery, *Committing*. My Lord Keeper Egerton, when he was Master of the Rolls, was wont to ask, what the cause had done that it should be committed (76).'

'My Lord Chancellor Egerton, when he had read a petition, which he disliked, would say; "What, you would have my hand to this now?" and the party answering, "Yes;" he would say farther, "Well, so you shall; nay, you shall have both my hands to it;" and so would, with both his hands, tear it in pieces.'

(b) *Church Hist.*  
Book II. p. 225.

(i) *Hacket's Life of Williams*,  
fol. part I. p. 30,  
31.

(k) *K. James's Works. Speech to the Privy Council.*

(l) *Stephens's Introd. to Lord Bacon's Letters*,  
p. 56.

(m) *Drake's Hist and Antiq. of the City of York*,  
B. II. Chap. I.  
fol. Ed. of 1736,  
p. 462.

(n) *Royal and noble Authors*,  
title *Ellesmere*.  
*Nicolson's Histor. Libr.*  
*Granger's Biog.*  
*Hist. Worrell's Cat. of Law Books.*

(o) See the *Cafe of the Postnati*  
in *Hargrave's State Trials*,  
Vol. V. p. 75.

(p) *Dugdale's Fuler's Worthies in Cheshire*,  
p. 176. *Mishew's Doctor in Linguas*, under  
the word *Chancellour*.

(q) *Fuller. Ibid.*

(r) *Wood's Ath. Oxon.*  
Col. 418.

(s) *Fuller. Ibid.*  
p. 177.

(75) *State Trials*,  
14 Jac. I.

(76) *Bacon's Works*, fol.

Vol. III. p. 375.

The transition from a great man's public to his private character is often disadvantageous to him, and it is the opinion of many that, in the history of his life, it ought not to be made. In this, however, which is the subject of this article, it may be done with great advantage, as the private, will give a still higher lustre to the public, and prove that the heart of this virtuous statesman was no way inferior to his head. To his friends, who were great and many, he was generous, beneficent, and condescending: to his enemies, who were few, he was merciful and forgiving; and the same spirit of benevolence and affection which distinguished the whole of his public character, pervaded his more intimate and domestic connections, and displayed themselves in every act of his private life.

So richly gifted with the best endowments both of heart and understanding, he devoted a long and laborious life to the service of his King and Country, having filled all the higher departments of his profession with an ability which seldom can be equalled, and with an integrity which can never be excelled. The fruit of all his honest and active labours he reaped in the favour and affection of his Prince, as well as the testimony and approbation of all good men, and in the more heartfelt satisfaction derived from the sense of having faithfully discharged his duty. And, though uncommonly successful in every occurrence of his life, and promoted through the merit of superior parts and application to the highest honours, neither the insolence of fortune, nor the splendour of these honours, could, in his enlarged and exalted mind, efface the sentiments of the Christian, nor deaden the feelings of the man. Fine sensibility, the inseparable attendant on fine genius, cultivated by philosophy and religion, was his privilege and ornament; and the pain which it necessarily and occasionally experienced from the feelings and distresses of humanity, was abundantly repaid, and often heightened into enjoyment, by the exercise of a benevolent, and by the reflections of a Christian and conscientious mind. His heart was full of faith, and his hope of immortality (u).

“*Cupio dissolvi et esse cum Christo.*”

Independently of the immediate object of biographical history, which is to display the characters of men who have been eminent and useful, in order to teach the rising generation how to emulate their virtues, and to shun their faults, the mind feels a complacency and enlargement in contemplating the lives of those, who, by their learning, patriotism, or virtue, were the benefactors of mankind; and, though the General who conquered, or the Patriot who bled, in the public cause, is calculated to excite the more universal but transient admiration of the vulgar, the character we have now displayed will insure the more valuable and permanent esteem of the wise and good.]

(u) See his own words in his first letter to James I. in this article. Also Cabala, p. 219.



